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MEETINGS

BOARD OF PARK COMMISSIONERS

1940

Date		Page
January 4	Postponed Meeting	1
" 25	Regular Meeting	12
February 8	" "	21
" 15	Special Meeting	30
" 29	Postponed Meeting	42
March 14	Regular Meeting	55
" 28	" "	63
April 11	" "	77
" 16	Special Meeting	90
" 25	Regular Meeting	95
May 9	" "	110
" 23	" "	121
June 13	" "	135
" 20	Special Meeting	151
July 11	Regular Meeting	159
" 25	" "	174
August 7	" "	185
" 9	Special Meeting	196
" 22	Regular Meeting	199
September 12	" "	210
" 26	" "	222
October 10	" "	229
" 24	" "	240
November 14	" "	256
" 28	" "	275
December 10	Special Meeting	286
" 19	Postponed Meeting	290

INDEX

A

75 Accident Claim - Harbor Commission, Belt Line
104 " " " " denied
60 Accident Report - Cashier's car
143 American Institute of Park Executives - membership
218 " " " " and
219 " Park Society - Convention
12 American Legion - Modernization of lighting and white traffic lines requested
27 " " - Discussion of lighting system

ANGLING & CASTING CLUB
38 Agreement incorporated
86 Insurance coverage
97 Repairs requested
119 Repairs authorized
257 Agreement cancelled, Res. 361

ANIMALS, Disposal of
156 City Attorney's opinion requested
162 Requests held in abeyance
181 Res. 319, Sale of two leopards
220 Bids recommended

ANNIE LAURIE MEMORIAL BENCH
14 Coit Tower
27 Held in abeyance
72 Location approved
308 New location ref'd to Com. Lermen

Appropriations, Statement of (See REPORTS)

AQUATIC PARK
257 Barge offered by C.N. Nelson
166 Bathing facilities closed - Res. 315
194 Beach improvement discussed
138 A.A. Bertrand - suggestions for beach

142 Casino - closing ordered at 6:00 P.M.
153 " - concession space requested by Max Philipps
162 " - request to lease, Grace Perego, Agt.
217 " - " " " "
244 " - " " " Joseph Abrams
256 " - " " " Frances Bowles
256 " - " " " Benjamin Steacy
278 " - use as bus terminal, denied
107 " - Rainbow Room requested by Newspaper Guild
142 " - T. Yuen Chen, request for use of Rainbow Room
282 " - furniture purchase ref'd to C. Ellars
308 " - " " approved

7 Furniture specifications - Dohrmann settlement
5 Removal of cars and sheds ref'd to Util. Com.
10 Demolition of brick chimney
14 Employment of Engineer discussed
34 " " "
46 " " " ref'd to Mr. Girod

66 Gordon Lease - Discussion and resolutions
90 " " - Settlement discussed
90 " " - Res. 283, authorization to City Attorney
128 " " - Failure to negotiate settlement
128 " " - Res. 294 Audit of accounts
128 " " - Res. 295 Authorization to City Atty.

A AQUATIC PARK (Continued)

138 Gordon Lease - Progress report from City Atty
139 " " Notice to vacate, inc.
163 " " Audit requested by Controller
192 " " Demand for rental
196 " " Res. 324 terminating lease
204 " " Reply to demand for rental
212 " " Cancellation, Bd. of Supervisors

6 W. A. Hansen - removal of personal property
127 Improvements - suggestions of Ben D. Sexton
203 " " " "
157 " " " "
28 Petition for Development
29 Plan for Improvement of Calif. Packing Corp. lot
34 " " " " " " "

1 Land Purchase - Sup. Res. 692
260 " " Calif. Pack. Corp., Parcel 3
291 " " Sup. Res. 1465 " "
112 Recreational Supervisors requested

19 Rowing activities - ref'd to Com. Lermen
32 Rowing Club Buildings - Improvements requested
166 " " " discussed
254 " " " City Architect's report
260 " " " Facing discussed
278 " " " Res. 366 authorizing facing plans
303 " " " Facing discussed
215 W P A Project - Inquiry as to future operations

ARBORETUM
51 Land description - Map
50 Res. 267 - setting aside ground
50 Materials - Res. 266
118 Res. 289 - Petitioning estate for approval
146 Court Order approving site, inc.
251 Res. 344 - Plant purchase
254 Discussion of changes in proposed plans
282 " " " "
282 Communications filed
163 Voting proxy, S.F.Bank stock

164 Archery Field Project - Completion requested
179 " " " Letter from WPA re completion
3 Archery Meet - Ahwahnee Archers

234 Art Project - Mural suggested for Playground Cafe

52 Authority for Superintendent and First Asst. Superintendent to act in Emergencies - Res. 270

B

BALBOA PARK NURSERY
8 Use by Exposition
227 Termination of use by Exposition
9 Use by S.F. Junior College
211 " " " " "
227 Proposal for use by Junior College
237 Junior College request held in abeyance
261 " " " ref'd to Com. Lermen
280 " " proposal approved

Band Concert - Filipino Federation (See Filipino Band)
17 Band Concert on Lincoln's Birthday, denied
119 Band Concourse - Use for Flag Day Ceremonies
96 Band, G.G. Park - Appt. H.Payson,Acting Director,Res.286
139 " " " - Contract requested by Controller
161 " " " - Payson contract authorized, Res.312
201 " " " - Res. 327, Payments
208 " " " - Payson Agrm't incorporated
236 " " " - " " terminated
228 " " " - Payment, Res. 334
241 " " " - " " 343
235 " " " - Ralph Murray appointed Director
91 " " " - Res. 282, Payment, G.Eugene Cook
96 " " " - Res. 285 " " " "

57 Barrett & Hilp - Temporary use of park property
72 " " - Request approved, letter inc.
125 Bartlett,C. - Request to take photographs
113 Bates, Emily - Gas House Cove Purchase Agrm't, inc.

35 Beach Chalet - Discussion re leasing
161 " " - Ordered closed - Res. 311
262 " " - Concession requested by Thos. Davis

223 Benches - Request for Exposition benches
257 " - Requested for Stanyan-Waller entrance
60 Bicycle Trails - Discussion
186 " " - Parkside Dist. Improvement Club
203 " " - Bicycle Dealers Assn. request
144 Black, J.R. - Transportation and Gas Allowance, Res.298,298A

69 Bleachers - Requested for "Big Rec"
143 Board of Equalization - Sales Tax Report
Bowes, Major Edw. (See Ralston Memorial)
125 Boy Scouts - Huddart ParkCamp requested
154 " " " " " denied

30 Budde, Henry F. - reappointed Commissioner
37 Budget - 1940-41 Estimate ref'd to Com.Budde
142 " - McLaren Park Appropriation carried for'd
127 Burke School - Lincoln Park tree removal
257 Burns Statue - Caledonian Club request

23 Casting Pool - "No Swimming" signs
48 CCC Camp Discussion - Huddart Park
125 " " " " "
153 " " " Report from Mr. Girod
162 Chatten, Fred - Res.313, use of Zoo Director's House

28 Children's Quarters - proposed levee
10 Chimney - demolition of brick chimney, Aquatic Park
153 Chinn, Francis - change in classification
260 Christmas Tree Assn. - 1940 requests granted

CITY ATTORNEY'S OPINIONS
87 Bids for Lighting
259 Jurisdiction deYoung Museum
117 Gjoa "cost plus" contract
305 C.L.Harris Lease - Point Lobos
45 Access to Personnel Records
289 Sightseeing Train Concession
190 Realignment State Highway,Sharp Park
191 S.R.A. Camp - Sharp Park
188 Traffic Regulation, G.G.Park

C (Continued)

166 City Engineer - request to use Rock Residence
166 " " - landscaping assistance requested
224 Civil Service - Commission's endorsement requested
232 " " - endorsed by Park Commission

58 Claim of Angela Oettal - Res.273
154 " for damages - P G & E, Res. 306
202 Clayton St. opening through Panhandle
250 " " " " "

COIT TOWER
14 Annie Laurie Memorial Bench
27 " " " "
72 " " " "
307 Concrete bench approved
205 Estimate for mural repairs
217 Mural repairs held in abeyance
254 " " ref'd to Com.Lermen
113 Illumination approved for "Forties Fiesta"
Viewing machines (See Telescopes)

237 Columbus Day - Use of Broadcasting System
233 Community Chest - Union Square Torch approved
Construction Reports (See REPORTS)
4 Convenience Stations - discussion of sanitation
17 " " - reports requested
27 " " - janitor service
218 Convention of Park Executives

279 Cook's Union - communication
84 Coroner's verdict - Stow Lake drowning, M.Srok

D

60 Damage to Cashier's car - accident report
83 Delinquent accounts - Res. 279
259 deYoung Museum - City Atty Opinion re architectural fees
7 Dohrmann Hotel Supply Co. - Aquatic Park furniture
Dougan, Lee (See - Golf Practice Range, Lease)
33 Drinking fountain for dogs
202 Duboce Park - lighting
Duncanson-Harrelson contract (See - Yacht Harbor)

E

Early, Fred J. contract (See - Sharp Park)
176 Earth requested for Lowell Highschool
179 Eastern Star - floral display denied
204 " " " approved
44 Eighth Ave. Entrance - widening requested
258 " " " "

ELEPHANT TRAINS
17 Permit for operation requested
44 Discussion
61 "
74 Ref'd to City Attorney
98 Discussion of terms
123 Held in abeyance
135 " " "
156 Discussion re license
165 Ref'd to Com. Lermen
226 Report on progress
250 " "
257 Application approved by Park Commission

ELEPHANT TRAINS (Cont.)
282 Discussion of contract
289 Discussion
295 Res.373 - Agreement authorized
289 Opinion of City Attorney
296 Agreement incorporated
(Correspondence filed 12/19/40)

52 Emergency authority, Superintendent and Asst. Supt.
177 Employees protest retitling
155 Engineering Division - Union request 6 day week
234 Engineering Personnel - compensation by WPA
249 " " reduction by WPA
161 Employees - retitling, Res. 310

35 Exposition - approp. for moving Japanese Bldg. to Park
44 " building requested for McLaren Park
223 " - Redwood Empire Bldg. offered to Park
225 " - return of plant material to Park

F

9 Fertilizer - Use of Borax as larvicide
20 " E. Walther report
59 Filipino Federation Band - G.G.Park concert
74 " " " - discussion
104 " " " - concert approved by Union

176 Fire hydrant - Telegraph Hill
264 Fleishhacker Bathhouse fees - Res. 358
6 Fleishhacker Cafe - burglary
73 Fleishhacker Playfield - tennis courts discussed
1 " " Land Purchase - Sup.Res.690
260 " " " " - Parcel 6
291 " " " " - Sup.Res.1464
237 Fleishhacker Pool and Cafe closed - Res.340
224 " Cafe - repairs
220 " " "

177 Float for Labor Day - requested by Union
255 Flood, Mrs.J.L. - Yew tree donation
107 Floral border requested - Natl.Mother's Grove
235 Floral Display - British War Relief
69 " " -"Be Kind to Animals"Week
179 " " - Eastern Star
204 " " - " " approved
205 " " - Native Sons and Daughters
259 " " - Shrine, New Year's Game
216 " " - Abraham Lincoln garden offered

23 Flower Show - Palace Hotel
6 Forts Barry and Baker - plant material denied
234 Franklin Square - faulty drainage condition
216 French Indo China Bldg. - requested for McLaren Park
Fund transfers and allotments (See - Resolutions)
26 Funds for equipment - Res. 253 rescinded
Res. 256 adopted
278 Funston Ave. - Center Strip maintenance
255 Furnishings from S. F. Bldg., Exposition
241 Furuseth Monument - location requested
261 " " - " suggested
280 " " - " considered
303 " " - approved by Art Commission

G

194 Garfield Park - sandbox requested
Gas House Cove (See - Yacht Harbor)
144 Gasoline allowance - J.R.Black, Res. 298-A
241 Geary Merchants Assn. - Christmas Tree approved
Ghirardelli Note (See - McLean Bequest)
235 Girod, J.L. - advisory services to Highway Dist.

GJOA
47 Approp. for drying hull, Res.265
59 Request for length of mainmast
74 " " " " granted, Res.276
25 Contract No.2, Call for Bids authorized
81 " " Discussion of Bids
97 " " Bid rejected
117 " " City Atty Opinion re "cost plus"
117 " " Call for new bids
138 " " Provisional award
152 " " Awarded to J.L.Stuart Co.,Res.304
170 " " Incorporated
236 " " Payment to J.L.Stuart, Res.339

303 Goddess of the Forest statue - approved by Art Commission
263 Golden Gate Park Tennis Fees - Res. 351
265 " " " " locker fees - Res.359
123 " " Sewage Plant - reports on water costs
42 Golf Course Cafes - approp. of receipts, Res.263
263 " - space rental for Harding Pro. Res.352
263 " - Lincoln Park locker fees, Res. 354
265 " - " " monthly ticket, Res.362

15 Golf Practice Range - request for lease, Lee Dougan
26 " " " - lease discussed
49 " " " - ref'd to Com.Lermen
105 " " " - City Atty opinion
112 " " " - held in abeyance
137 " " " - lower rental requested
165 " " " - ref'd to Com.Budde (Cor. filed)
179 " " " - Res. 318
187 " " " - contract approved
270 " " " - Lee Dougan lease incorporated
275 " " " - lease ratified, Sup. Ord.891

Gordon lease (See Aquatic Park)

258 Gray Line Corres. re Elephant Trains (filed 11/14/41)
250 Great Highway - barricade discussed
280 " " - " removed
48 " " - damage and repair
60 " " - " " "
165 " " - repairs by Bd. of Works
165 " " - jurisdiction discussed
179 " " - " , report by Secretary
70 " " - traffic conditions

H

Hagiwara (See - Japanese Tea Garden)
6 Hansen,W.A. - personal property, Aquatic Park
Harbor Commission (See - State Harbor Commission)
263 Harding Park - space rental for golf pro.

36 Harding Blvd. - paving requested
154 " " - temporary repairs
165 " " - repairs by Bd. of Works
165 " " - jurisdiction
179 " " -

H (Continued)

262 Harris, C.L. - Point Lobos Lease
305 " " - City Attorney's Opinion
Healy-Tibbitts contract (See - Yacht Harbor)
126 Hobart, Lewis - Elephant House fee denied
153 " " - Schedule of Costs, New Zoo buildings
276 Holly Park Improvements
19 Horseshoe courts - shelter requested
216 Housing Authority - report on Projects

HUDDART PARK
10 Discussion
35 Permit to cross property requested
48 CCC Camp suggested
125 " " discussed
153 " " report from Mr. Girod

125 Water lines - City Atty opinion asked
152 " " " " "
162 " " - Com. from Chickering & Gregory, attys
194 " "
206 " " - City Atty Opinion, incorporated (cor. filed 8/22
216 " " - " " " letter to Chickering & Gregory
238 " " - Funds requested from Mayor

125 Request for Boy Scout Camp
154 " " " " " denied
265 Taxes - City Attorney communication
278 " - " " " discussed
303 " - Sup. Uhl, communication

154 Hudson, Roy - transportation allowance rescinded
126 Hughes, Del - request of Painter's Union

I

236 Industrial Accident Com. - Thos. Mallon case
238 Insurance coverage authorized for power mowers, Res.341
113 Italian Athletic Club - use of Washington Square

J

35 Japanese Building - Exposition

JAPANESE TEA GARDEN
153 Pay telephone authorized
214 Rental Agreement authorized, Res.331
226 Agreement accepted
266 Agreement with Hagiwara, incorporated
275 Lease ratified by Supervisors, Ord.893

176 Jefferson-Lafayette Improvement Club request
178 Jefferson St. tree removal - discussion
193 " " " " "
205 " " " " protested
209 " " " " - Bd. of Works

K

18 Keating, Thos. - discussion re transfer
29 " " - action approved
282 Kezar Burglary - loss written off
308 " concession requested by J. Swanson (withdrawn 1/9/41)
16 " Stadium - use by Finnish Relief Committee
16 " " - " " Knights of Columbus
287 " " - Examiner paym't, Res.270 (St. Mary's-Santa Clara

177 Labor Day Float
1 Lafayette Park Land Purchase - Sup.Res.691
260 " " " " - Approval Parcel 7
292 " " " " - Sup. Res.1475
7 Lamb, B.P. - Retirement

LAND PURCHASES
9 McLaren Park list submitted
260 Cal. Pack, Parcel #3, Aquatic Park
291 Sup.Res.1475, Parcel #3
260 Fleishhacker Playfield, Parcel #6
291 " " Sup.Res.1464
21 McLaren Park
31 " "
47 " "
60 " "
77 " "
77,81 " " Sup. Resolutions
95 " "
109,110 " " Sup. Res. 993-994
121 " " " " 1030
142 " "
174 " " " " 1128,1129,1130
185 " "
222 " " " " 1246
274 " " " " 1388
223 " "
293 " "

63 Yacht Harbor - Sup. Res.868
113 " " Gas House Cove, Agrm't Inc.
260 " " E. Bates, Parcel 2 approved
260 " " P G & E " " "
260 " " W. B. Sharp " 1 "
283 " " Sup. Res. 1452
284 " " " " 1453
285 " " " " 1454

71 Land's End - closing authorized
166 Landscaping - assistance requested by City Engineer
143 Laurel Hill Cemetery - considered for park purposes
256 " " " " " "
46 Lay-off of Park Employees - held in abeyance

Lease of Golf Practice Range (See Golf Practice Range)
60 " proposed by Fred D.Parr
71 " " " "
26 " of shed, Merced Blvd. requested by Emma Baker
15 " " " " " " " "

Lease Agreements Incorporated
270 Lee Dougan
266 T. Hagiwara
268 H.S.Peterson

139 Lease - Renewal U.S.Coast Guard Station, Point Lobos

187 Leave of Absence - policy
217 " " " - Com. J.J.Lermen
218 " " " - Com. George Sandy
219 " " " - Julius Girod

218 Lermen, J.J. - leave of absence
202 Lighting - Duboce Park

L (Continued)

12 Lighting System and Traffic Lines, American Legion
27 " " " - discussion
35 " " " - ref'd to Pres. Fleishhacker
53 " " " - request for Res. waiving bids
87 " " " - Opinion of City Atty. re bids (c.f.)

31 Linares, G.J. - appointed Acting Secretary 2/15/40 Res.260
197 " " " " Secretary 8/9/40
17 Lincoln's Birthday Concert - request denied
216 Lincoln Garden offered to park by F.Oliver

82 Lincoln Park - removal of trees
127 " " " " " " protested
83 " " - space rental, Golf Pro. Res.280
263 " " - Locker Fees, Res. 354
265 " " - rate increase, Res.362
142 " " - War Dept. request to construct conduit

224 Lions' Club-request to dedicate Lion House
75 Letters of commendation - U.S. Coast Guard
" " " Roy L. Moser
3 Lloyd Lake - request to convert into ice skating rink
25 Loam - offer of Andrew Gallagher rejected
176 " - requested by Jefferson-Lafayette Improvem't Club

M

166 Mapping of Parks & Squares Project - Rock Residence
178 Marina Esplanade - repair requested
194 " " - repaving discussed
225 Marine Museum - suggestion presented

14 Market Street Ry. - property damage
75 " " " - Res. No.274
241 " " " - Shelter, Wawona & 19th Ave.
261 " " " - " " " " " " approved
58 Marx Bequest Funds - reinvestment
82 " " " - Res. 277, City Treasurer authorization
37 May Day Festival - use of Kezar Stadium denied
153 Memorial Grove - location for Pioneer Mother Statue
250 Merry-Go-Round - Geo. Whitney proposal
241 Miniature Speedway requested
261 " " denied
162 Mission Park - shelter requested
277 " " "
59 Model Yacht Club - heating unit
257 " " " - Agreement cancelled, Res. 361
234 Monuments and Fountains - maintenance requested
45 Mt. Davidson Park - additional land purchase requested
61 " " " " " " discussed

4 Mt. Lake Park - change of jurisdiction discussed
19 " " " - supervision
45 " " " - discussion
Mori's Point (See Sharp Park Flood Control)
9 Mormon Grove - Plaque of Mormon Ship "Brooklyn"
187 Muller, Bernard - leave of absence
193 Municipal Railway - "Bus Stop" sign approved
235 Murray, Ralph - appointed Director G.G.Park Band.Res.337
276 " " - Res.364, payment
17 Murphy Mill - installation of poles by P G & E
15 " " - repairs approved
16 Mushrooms - permit to collect, Ernest Schaeffle

Mc

97 McCoppin Square - request for May Day use
278 McKinley Square - improvements requested
204 McLaren, John - car purchase, Res.328

McLAREN DELL
118 Request to have plans prepared
157 Pres. Fleishhacker letter inc.
167 Offer to Park Commission
168 Res. 316 - acceptance
251 Fund established
251 City Attorney's letter
253 Res. 345 - Deposit of funds authorized
253 " 347 - Purchase of Plants
274 Sup. Ord. 1413 - acceptance of funds
276 Res. 365 - Equipment purchase

25 McLaren Drive - request for paving
224 " " improvement discussed
276 " " paving by WPA requested

McLAREN PARK
142 Appropriation for'd to 1940-41 budget
82 Improvements requested by Boys' Club
216 " " " " "
187 Permit to P & E granted
64 Suggested addition, closing LaGrande Ave.
153 Request for oiling Brazil Ave. denied
186 Request for purchase ref'd to Director of Property
155 Discussion of Drive through park

McLAREN PARK LAND PURCHASES
9 Tentative list submitted
19 Discussion - ref'd to Com. Lermen
21 "
31 "
47 Approval of purchases
60 " "
77 " " "
77-81 Sup. Resolutions
95 Approval of purchase
109-110 Sup. Res. 993 and 994
121 " " 1030
142 Approval of purchases
174 Sup. Res. 1128, 1129, 1130
185 Approval of purchase
222 Sup. Res. 1246
223 Approval of purchase
274 Sup. Res. 1388
293 Approval of purchase 5 parcels

McLEAN BEQUEST
164 Ghirardelli Note renewal - Res.314
229 " " " Sup.Res.1267
237 " " incorporated
290 Res. 367 - acceptance of bequest
Sup. Res. 1520 " " "

N

214 Naval Air Station - request for grass roots
244 North Beach Promotion Assn. - apology

O

58 Oettel, Angela - Res.273 authorizing settlement
202 Ordinance - Bd. of Sup. re Sales Tax
231 " No.832 - Sales Tax
275 " " 893 - Ratification Hagiwara Lease
275 " " 891 - " Dougan "
275 " " 892 - " Peterson "

233 Orr, Anson - Memorial Drinking Fountain approved
260 Outdoor Christmas Tree Assn. - requests granted

P

154 Pacific Gas & Electric Co. - Damage claim, Res.306

PALACE OF FINE ARTS
43 Additional benches approved
303 Exposition Preservation League Festival
27 Exposition Maps, Paintings, etc. (G.G.I.E.)
47 Lighting requested
32 Proposed purchase of additional property
43 " " " "
13 Steps near lagoon requested
27 Path " " approved
5 Ski slide - J.Potter proposal
25 " " proposal withdrawn
264 Tennis court fees - Res.357
307 Use requested by U.S.Army Medical Dept.
70 Women's shower authorized
277 Repair of columns - estimate ordered

202 PANHANDLE - Clayton St. Opening requested
250 " " " "
276 " " " "
234 " Extension to Divisadero discussed
249 " " " "

181 Parking Lot at Beach - enlargement requested
187 " " - held in abeyance
204 " " - work stopped
181 Park publication praised

PARK EMPLOYEES' UNION
18 Thos. Keating matter discussed
29 " " decision upheld
18 Request for budget meeting
29 " " " hearing
18 Seniority Rules - held in abeyance
29 Access to Personnel Records requested
45 " " " ,opinion City Atty.
89 Method of Pay-off protested
107 Protest over dismissal and lay-off
119 Grievance Committee requested
126 " " appointed
127 Change of per diem men to monthly basis
155 Hearing with Finance Chairman requested
177 Retitling of employees
217 " " "
177 Labor Day Float
177 Wage increase appropriation requested
187 Legal holidays requested

179 Park-Presidio Improvement Assn. - request to change signs
20 Parks and Squares - condition report Jan.22,1940
62 " " " " " Mar.14,1940

P

60 Parr, Fred D. - proposed lease
Patigian, Haig (See Ralston Memorial)
198 Patridge, John - appointment
282 Patterson, Lester - claim

96 Payson, Harry - Acting Director G.G.Park Band. Res.286
161 " " Res. 312 - authorizing contract
201 " " Res. 327 - payments
208 " " Agreement incorporated
228 " " Res.334 - payments
236 " " Agreement terminated
241 " " Res. 343 - payment

16 Permit to collect mushrooms, Ernest Schaeffle
143 Peterson Concession - report by J.R.Hickey
164 " " - permit granted
185 " " - Res.320 - authorizing rental agreem't
268 " " - agreement incorporated
275 " " - Sup. ratification - Ord.892
153 Philipps, Max - request for Aquatic Park Concession

125 Photographs - request by C.Bartlett
305 Pioneer Log Cabin - lighting system requested

PIONEER MOTHER STATUE
44 Reconditioning and installing
56 Loan to Exposition approved
123 Sup. Res. requesting location in Memorial Grove
153 Location in Memorial Grove approved
277 Dedication, Citizens' Committee

193 Point Lobos Lookout Station - rental reduction asked
262 " " - C. L. Harris lease

15 Police Protection, G.G.Park - Res. 254 and 255
124 " " - report by Mr. Girod
153 " " - " " "
153 " " - additional protection asked
163 " " - " " "

198 Powers, James. E. Jr. - appointment
Profit and Loss statements (See Reports)
7 Publicity Funds - expenditure discussed
49 " " - ref'd to Com. Budde
92 Public Utilities Com. - letter re Sharp Park Water, inc.
220 " " " - discussion re water for park
123 Public Works Dept. - communication re G.G.Sewage Plant water supply.

PUNNETT, John
84 Service Order - Res. 271 discussed
96 Agreement authorized - Res. 287
128 " incorporated
157 Plans 2nd Unit Yacht Harbor
160 Res 309 authorizing services
182 Agreem't 2nd Unit Y.H., inc.
263 Res. 353 - Payment
206 Estimate of cost Sharp Park Plans requested
213 Res. 330, plans and specifications

13 Purchase of misc. equipment - Res. 253

Q R Reports R e s. S T U V W X Y Z

P (Continued)

144 Purchase of Equipment - New Zoo Restaurant, Res.299
145 " " " Park Equipment, Res.300
145 " " " Station Wagon " 301
204 " " " J. McLaren, car, Res.328
220 " " " Discussion of tractor, etc.
232 " " " Sewage Plant Blower denied

R

RALSTON MEMORIAL
200 Major Bowes' letter
201 Res.326, Acceptance by Park Com.
216 Rejected by Art Commission
244 Approved by Art Commission
245 Patigian contract authorized - Res.346
246 Major Bowes Gift of $10,000 accepted
246 Patigian contract for Ralston Monument, inc.
249 Res. 348 - Payment to Haig Patigian
274 Sup. Ord. 1411 - Acceptance of Gift

216 Rat Infestation - St. Mary's Square
233 " " Union Square
69 Recreation Diamond - bleacher request denied
277 Recreational Supervision of Parks and Squares
304 " " " " "
223 Redwood Empire Bldg. offered to Park

220 Restaurant Improvements - ref'd to Com. Sandy
224 " " Com. Sandy's report
224 " " Est. of cost, Fleishhacker Cafe

177 Retitling of Employees - Union hearing requested
202 " " " - held in abeyance
161 " " " - Res. 310
217 " " " - ref'd to Com. Sandy

Rhododendron and Azalea Dell (See McLAREN DELL)

RICHMOND-SUNSET SEWAGE TREATMENT PLANT
10 Discussion re landscaping
19 Held in abeyance (c.f.)
259 Ref'd to Mr. Girod
279 Plan rejected

186 Rifle Range requested
217 " " denied

143 Ringel, Isador - Gas House Cove concession denied
305 Road Builders Assn. Convention - use of park property
142 Road Closing - 25th Ave. south
153 " " - barriers removed

ROADS
112 Jr. Chamber of Commerce suggestions
22 Paving requested, G.G.Park
25 McLaren Drive, paving requested
86 Repairs requested
70 Discussion roads and signs, G.G.Park
154 Temporary repairs, Harding Blvd.
165 Repairs to Harding Blvd. & Gr. Highway
165 Jurisdiction " " " "
178 Marina Esplanade repair requested
194 " " " discussed
166 Rock Residence - use for Mapping project
71 Rosebush - Lone Mt. Cemetery
Rowing activities (See Aquatic Park: also School Dist.)

Reports Res. S T U V W X Y Z

REPORTS

CONSTRUCTION REPORTS

Page						
11	November.	and	work	proposed	for	December, 1939
20	December	"	"	"	"	January, 1940
62	Jan. & Feb.	"	"	"	"	March, 1940
89	March	"	"	"	"	April, 1940
120	April	"	"	"	"	May, 1940
150	May	"	"	"	"	June, 1940
170	June	"	"	"	"	July, 1940
195	July	"	"	"	"	August, 1940
220	August	"	"	"	"	September, 1940
239	September	"	"	"	"	October, 1940
265	October	"	"	"	"	November, 1940
310	November	"	"	"	"	December, 1940

STATEMENT OF APPROPRIATIONS

220	August 31, 1940
255	September 30, 1940
265	October 31, 1940
310	November 30, 1940

PROFIT AND LOSS STATEMENTS

20	5	months,	ending	November 30, 1939
89	8	"	"	February 29, 1940
107	9	"	"	March 31, 1940
150	10	"	"	April 30, 1940
170	11	"	"	May 31, 1940
182	12	"	"	June 30, 1940
220				July 31, 1940
255	3	months	"	September, 1940
265	4	"	"	October 31, 1940
310	5	"	"	November 30, 1940

RESOLUTIONS

Res. No.		Page
	BOARD OF SUPERVISORS RESOLUTIONS	
690	Land Purchase - Fleishhacker Playfield	1
691	" " Lafayette Park	2
692	" " Aquatic Park	2
868	" " Yacht Harbor	63
888	" " McLaren Park	77
889	" " " "	78
890	" " " "	79
928	" " " "	80
929	" " " "	80
930	" " " "	81
988	Leave of absence, John Lermen	218
993	Land Purchase McLaren Park	110
994	" " " "	111
1030	" " " "	121
1128	" "	174
1129	" "	174
1130	" "	174
1202	Cancellation Gordon Lease	212
1206	Leave of absence, George Sandy	218
1246	McLaren Park Land Purchase	222
1267	Ghirardelli Note	229
1388	McLaren Park Land Purchase	274
1411	Acceptance Major Bowes Gift - Balston Memorial	274
1413	Acceptance McLaren Dell Fund	274
1452	Land Purchases - Yacht Harbor	283
1453	" " " "	284
1454	" " " "	285
1464	" " Fleishhacker Playfield	291
1465	" " Aquatic Park	291
1475	" " Lafayette Park	292

	PARK COMMISSION RESOLUTIONS	
251	Transfers and Allotments	8
252	" " "	13
253	Purchase of Misc. Equipment (Rescinded)	13
254	Additional Police for Golden Gate Park	15
255	" " " " " "	15
256	Funds for Equipment	23
257	Strybing Bequest Funds	24
258	Sharp Park Taxes	26
259	Fund Transfers and Allotments	37
260	G.J.Linares appointed Acting Secretary	31
261	Award of Contract, Yacht Harbor Ext. (Cor.P.104)	33
262	Fund Transfers	42
263	Receipts, Golf Course Cafes	42
264	Award of Contract, Yacht Harbor	43
265	"Ojoa" rehabilitation	47
266	Strybing Bequest Funds	49
267	Setting Aside Arboretum Land	50
268	Fund Transfers & Allotments	55
269	Payments	55
270	Emergency Authority	52
271	John Punnett Services	56
272	Fund Transfers and Allotments	65

PARK COMMISSION RESOLUTIONS (Continued)

273	Damage settlement authorized	58
274	Market St. Ry. Payment (Rescinded 4/25/40, P. 104)	75
275	Aquatic Park - Gordon Notice	66
276	"Gjoa" Mast	74
277	Marx Bequest Funds	82
278	Allotment	83
279	Write-off Delinquent Accounts	83
280	Space Rental, Lincoln Golf Pro	83
281	Sharp Park Water	93
281A	San Andreas Pump - Early Contract	94
282	Payment to Bandleader	91
283	City Attorney - Gordon Lease, Aquatic Park	90
284	Fund Transfer	95
285	Payment - Bandleader	96
286	Appt. Bandlearer Payson	96
287	John Punnett Services	96
288	Union Square Garage Bids	103
289	Strybing Bequest - Arboretum Site defined	118
290	Fund Transfers	122
291	" " and Allotments	122
292	Payments	120
293	Per Diem Men to Monthly Basis	127
294	Audit of Gordon Concession	128
295	Authorization to City Atty, Gordon Concession	128
296	Payment, San Andreas Pump Contract	135
297	Fund Transfers & Allotments	136
298	Transportation Allowance, J. Black	144
298A	Gasoline "	144
299	Equipment, New Zoo Restaurant	144
300	" Park Department	145
301	Purchase of Station Wagon	145
302	Fund Transfers and Allotments	151
303	Telegraph Hill Staircase	152
304	Award of Contract No. 2 "Gjoa"	152
305	Req. change in classification, Francis Chinn	153
306	Pacific Gas & Electric Co. - Damage Claim	154
307	Fund Transfers and Allotments	159
308	Payments	160
309	J. Punnett Contract, 2nd Unit Yacht Harbor	160
310	Changes in employees' titles	161
311	Closing of Beach Chalet	161
312	Authorizing Band Leader Contract	161
313	F. Chatten to use Zoo Director's House	162
314	Renewal Ghirardelli Note authorized	164
315	Aquatic Park Bathing Facilities closed	166
316	Acceptance of Funds, Rhododendron Dell	167
317	Fund Transfers and Allotments	180
318	Lease of Golf Practice Range, Lee Dougan	180
319	Sale of 2 black Leopards from Zoo	181
320	Permit to H.S. Peterson for Concession Y.H.	185
321	Allotment	186
322	Payment of bill (Healy-Tibbitts) 1st Unit Y.H.	186
323	Sale of Strybing Bequest Assets	192
324	Terminating Gordon Lease	196
325	Allotments	199
326	Ralston Memorial	201
327	Payments - Band Leader	201
328	Car Purchase - John McLaren	204
329	Fund Transfers & Allotments	210
330	J. Punnett Plans - Sharp Park	213
331	Authorizing Agrm't Japanese Tea Garden	214
332	Invitation to Convention, 1941	215
333	Fund Allotments	227
334	Payment - Bandleader	228

S T U V W X Y Z

Res. No. Page

PARK COMMISSION RESOLUTIONS

335	Award of Contract 2nd Unit Yacht Harbor	231
336	Fund Transfers and Allotments	232
337	Ralph Murray appointed Bandleader	235
338	Authorization Sharp Park Spillway	235
339	Payment "Gjoa" Contract No.2	236
340	Closing of Fleishhacker Pool and Cafe (Reso. 3/27/41)	237
341	Insurance on Mowers authorized	238
342	Transfers and Allotments	240
343	Payments	240
344	Strybing Bequest Purchase	251
345	Acceptance, McLaren Dell Fund	253
346	Authorizing Contract - Ralston Memorial	245
347	McLaren Dell Purchase	253
348	Payment - Haig Patigian	249
349	Traveling Expenses - E. Walther	254
350	Fund Transfers and Allotments	262
351	Golden Gate Park Tennis Fees	263
352	Space Rental - Harding Golf Pro	263
353	Punnett Payment, 2nd Unit Y.H. Ext.	263
354	Locker Fees - Lincoln Park	263
355	Rates - Kezar Basketball	264
356	Yacht Harbor Berth Rentals	264
357	Palace of Fine Arts, Tennis Fees	264
358	Fleishhacker Bathhouse, Rates	264
359	G.G.Park - Tennis Locker Fees	265
360	Payment Sharp Park Taxes	265
361	Cancellation Angling Club & Model Yacht Club Agreements	257
362	Lincoln Park, Increased Rate Monthly Ticket	265
363	Fund Transfers and Allotments	275
364	Payment - Ralph Murray	276
365	McLaren Dell Purchase	276
366	Aquatic Park Rowing Club Buildings	278
367	Acceptance McLean Bequest	290
368	Approval of Work Orders	286
369	Fund Transfers and Allotments	286
370	Payment, Examiner - Football Game	287
371	Fund Transfers and Allotments	308
372	Work Orders	309

S

T

U

V

W

X

Y

Z

216 St. Mary's Square - rat infestation
33 Salary increases for engineers
San Andreas Pump Plant (See Sharp Park Water Supply)
30 Sandy, George H. - appointed Commissioner
218 " " " leave of absence, Sup.Res.1206
255 San Francisco Bldg. - furnishings offered to Park Dept.
287 San Francisco Examiner - payment football receipts, Res.370

SCHOOL DISTRICT ROWING ACTIVITIES
5 Use of site at Aquatic Park and dressing rooms
19 Location of Building - discussion
28 Discussion
34 "

142 Scooters requested for playgrounds

SEA SCOUTS
84 Request for berths, Gas House Cove
211 Building requested
225 Location for building discussed
281 Permission requested for building
307 Report on proposed landscaping

197 Secretary - appointment of G.J.Linares
232 Sewage Plant - blower equipment denied
217 Sexton, Ben - communications filed

SHARP PARK FLOOD CONTROL
36 Mori's Point - investigation ordered
48 Discussion of flood situation
206 Recommendation of Mr. Rolph discussed
206 J.Punnett asked to submit cost for plans
213 J. Punnett authorized to prepare plans,Res.330
235 Authorization to purchase materials,Res.338
SHARP PARK - REALIGNMENT OF STATE HIGHWAY
167 Opinion requested from City Attorney
190 City Attorney Opinion incorporated
SHARP PARK TAXES
14 Resolution requested
26 " No.258
SHARP PARK WATER SUPPLY - SRA
137 SRA request occupancy permit
137 " " to dig and case well
165 " requests denied
181 " matters held in abeyance
191 City Attorney Opinion
SHARP PARK WATER SUPPLY - SAN ANDREAS PUMP PLANT
34 Ref'd to President Fleishhacker
48 Discussion re releasing contractor
86 Discussion
92 Letter from Public Utility Com., inc.
93 Res. 281 accepting terms of letter
94 " 281A - San Andreas Pump Contract
135 " 296 - Payment to Early Co.

70 Shower for women, Palace Fine Arts
23 Shrubbery trimming - Great Highway
6 " hazard, 10th Ave. entrance
35 Shrubs requested by Presentation Convent
Sight-Seeing Trains (See:Elephant Trains)
118 Sigmund Stern Grove - tree ferns donated

S

SIGNS
193 "Bus Stop" approved, Acuarium
112 Park Presidio - suggested by Police Dept.
124 " " police suggestions
279 " " ref'd to Mr. Girod
304 Prohibiting Com. Vehicles, Fulton & By-Pass
179 Req. change from "Richmond" to "Park Presidio"
213 South Drive & 19th Ave.
203 Palace of Legion of Honor
23 "Swimming Prohibited" - Casting Pool
26 Calif. State Auto. Assn. - Cross-over Drive
49 " " " " " "
214 Sutro Heights entrance - antique sign
70 Discussion of signs and roads

5 Ski Slide - Palace Fine Arts
25 " " - proposal withdrawn
187 Sports Women's Club - bird pens requested
202 " " " " " discussed
Spring Valley Lease Agreement (filed with Dougan cor.7/11/40)
84 Srok, M. - drowned in Stow Lake
152 Stairway, Telegraph Hill - Res. 303
75 State Harbor Com. - Belt Line claim
104 " " " " " " denied
190 State Highway, Sharp Park - City Atty. Opinion
143 State Sales Tax Report - Bd. of Equalization
84 Stow Lake - M. Srok drowning

STRYBING BEQUEST FUNDS
24 Res. 257 Arboretum materials
50 " 266 " "
50 " 267 " Land Description
118 " 289 Approval of Arboretum site requested
146 Court Order approving Arboretum Site, inc.
163 Voting Proxy, S.F. Bank Stock
178 Controller's letter re misc. assets
192 Res. 323 - sale of misc. assets
249 Valuation of coins and stones
251 Res. 344 - purchase of plants
254 Traveling Expenses - Eric Walther
304 Voting Proxy, Bank of Calif. N.A.
308 Sale of coins authorized

Stuart, J.L. Co. contract - (See: GJOA)
52 Superintendent - Emergency authority, Res. 270
SUTRO HEIGHTS
105 Adolph Sutro Plaque approved
166 Diorama Shelter proposed
211 Meeting place requested in proposed Shelter
214 Antique sign at entrance restored
305 Point Lobos Cross, restoration asked

304 Sutro Tower - request for gate denied

T

TAXES
202 Approval of Sup. Ord., Sales Tax
231 Bd. of Sup. Ord. " "
257 City liability, Admission Taxes
265 Huddart Park
278 " "
14 Sharp Park
26 " "

T U V W X Y Z

T (Continued)

176 Telegraph Hill - fire hydrant inst. approved
262 " " - building height restricted
152 " " - staircase authorized Res.303
153 Telephone - Pay Station, Japanese Tea Garden

57 Telescopes - Richard Smith request
65 " " " " denied
65 " Robt. Wright " "
279 " Tower Optical " "
308 " " " reconsidered

73 Tennis Courts - Fleishhacker Playfield
263 " " - Fees, G.G.Park - Res.351
264 " " " Palace Fine Arts - Res.357
265 " " Locker fees, G.G.Park, Res.359

6 Tenth Ave.Entrance - shrubbery hazard
304 Thirty-sixth Ave. - planting requested
143 Thomas, James M. - Gas House Cove, concession denied
153 Traffic Conditions in G.G.Park discussed
188 " " " " - City Atty. Opinion
12 Traffic Lines and Lighting - American Legion Resolutions
144 Transportation Allowance - J.R.Black, Res. 298, 298A
154 " " Roy Hudson, Res. 236 rescinded
118 Tree Ferns, Sigmund Stern Grove
225 Treasure Island - return of Park property
82 Trees ordered removed - Lincoln Park
178 Tree removal - Jefferson St. near Palace Fine Arts
193 " " "
205 " " " " protested
209 " " " " recommended to Dept. Public Works
203 Twin Peaks Beautification - WPA Project
215 " " " " "

U

UNION REQUESTS (See also: Parks Employees Union)
49 Salary change in budget
126 Grievance Committee appointed
155 Retention of Engineers, no reduction in salaries
126 Transfer of Del Hughes
177 Wage increase appropriation - chauffers

UNION SQUARE GARAGE
85 Discussion
103 Documents discussed
103 Res.288 - Call for Bids authorized
111 Secretary's refusal to call for bids
225 Robt. Orr parking plan
303 Test borings discussed

163 Union Square - fountains requested
233 " " - rat infestation
139 U. S. Coast Guard - renewal Point Lobos lease

V

304 Verdi Monument - bronze plates requested
211 Vista del Mar Garden Club - request for meeting place

W

10 Wage funds - curtailment discussed
46 " " discussion
49 Wage standardization requested by Union
107 Walker, Harry L. - floral display, Mother's Day
254 Walther, Eric - Res.349, traveling expenses
142 War Dept. - conduit and manhole, Lincoln Park
113 Washington Square - Use by Italian Athletic Club

220 Water supply and irrigation - B.Rolph reports
250 Whitney, Geo. - Merry-Go-Round
86 Windmills - photographs requested
46 Wood - policy re logwood disposal
18 Working Rules - Union proposal
75 Working Schedule - decision re lay-off
37 Work Orders No.155 & 156 ratified
WORK PROJECTS ADMINISTRATION
215 Aquatic Park, inquiry as to future operations
15 List of projects requested
35 " " " held over
46 " " " " "
118 " " " approved
138 Pres. Fleishhacker report on Aquatic Park
226 T.M.Grabow report on activities
234 Engineering personnel reduced
249 " " " discussed
19 Suggested sponsoring of Horseshoe Court Shelter
203 Discussion of Twin Peaks project
215 Twin Peaks project held in abeyance

X-Y

YACHT HARBOR
264 Berth Rentals - Res.356
84 Berths requested by Sea Scouts

16 Replacement of Piles- Call for Bids
22 " " " - A. W. Kitchen Bid
33 " " " - Bids
104 Res.261 - Award to Duncanson-Harrelson Co.
104 " " corrected
147 Duncanson-Harrelson contract incorporated
160 " " payment, Res.308
YACHT HARBOR EXT. UNIT NO.1
10 Plans approved
12 Opening of bids
22 Bids
84 J.Punnett Services, Res.271
96 " Agreement authorized, Res.287
128 " " incorporated
43 Award of contract, Res.264
132 Healy-Tibbitts Contract incorporated
160 " " payment, Res.308
186 " " " Res.322
205 " " 45 day extension granted
241 " " payment, Res.343
279 " " 35 day extension granted
YACHT HARBOR EXT. UNIT NO.2
18 Request for plans
157 J. Punnett, costs for plans
160 " " contract authorized, Res.309
182 " " " incorporated
213 Call for Bids authorized
225 Bids opened
231 Award to Healy-Tibbitts, Res.335
242 Healy-Tibbitts contract incorporated

Y (Continued)

YACHT HARBOR - GAS HOUSE COVE
117 Concession requested by J. Thomas
143 " denied " "
143 " " I. Ringel
143 " report on Peterson, J.R.Hickey
164 " H.Peterson to continue operations
185 " agreement authorized,Res.320 -Peterson
270 " " incorporated, H.Peterson
275 " " ratified, Peterson,Sup.Ord.892
211 Sea Scouts - building proposed
225 " " " "
281 " " " "
307 " " landscaping estimate asked

YACHT HARBOR LAND PURCHASES
63 Sup.Res. No.868
113 Gas House Cove - Agreement incorporated
260 E. Bates Parcel 2 approved
260 P G & E " 2 "
260 W. B. Sharp " 1 "
283 " " " 1,2,3 Sup.Res.1452
284 P G & E " 2 " " 1453
285 E. Bates " 2 " " 1454

Z

ZOO
3 Authorization for sewer repairs
4 " " water service line
36 Additional men requested for New Zoo
144 Equipment, New Zoo Restaurant, Res.299
176 Completion of units by WPA,New Zoo
176 New Zoo designation requested
215 " " dedication by WPA
226 " " " " "
153 L. Hobart, schedule of costs to complete buildings
282 Repairs ordered as safety measures
257 Additional gate requested, new section
280 " " approved " "
162 Zoo Director's House - Res.313
156 Surplus Animals - City Atty. opinion asked
162 " " - requests held over
181 " " - Res.319, 2 black leopards
220 " " - Bids recommended
257 Zoo stock offered by Otto Locke
187 Use of bird pens requested by Sports Women
202 " " " " " "

San Francisco, California
January 4, 1940

Postponed meeting: A postponed meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, January 4, 1940, at 4:00 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. John J. Lermen
Com. Colbert Coldwell

Absent: Com. Parker S. Maddux

Minutes approved: The minutes of the previous meeting, copies of which were sent to each Commissioner, were duly adopted as the minutes of the postponed meeting of December 7, 1939.

Resolutions-Land Purchases: The following resolutions were ordered incorporated in the minutes of this meeting:

"RESOLUTION NO. 690

(Series of 1939)

"LAND PURCHASE - FLEISHHACKER PLAYFIELD, PARCEL 5.

"RESOLVED, in accordance with the recommendation of the Park Department and pursuant to Resolution No. 1828, adopted by this Board on April 1,1935, that the City and County of San Francisco accept deeds from the following parties, or the legal owners, to a portion of Lots 40 and 41, Assessor's Block 7201, San Francisco, approximate size, 119 feet by 1766 feet, required for Fleishhacker Playfield, and that the total sum of $18,770.40 be paid for said land from Appropriation No. 912.600.01;

WELLS FARGO BANK &
UNION TRUST COMPANY 56/100 interest $10,511.42

THE BANK OF CALIFORNIA,44/100 interest 8,258.98

"The City Attorney shall examine and approve the title to said property.

"ADOPTED - Board of Supervisors, San Francisco, December 4, 1939.

"Ayes: Supervisors Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Uhl.

"Absent: Supervisors Brown, McGowan, Shannon.

Resolutions-
Land Purchases

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk.

"Approved, San Francisco, December 6, 1939.

ANGELO J. ROSSI
Mayor."

"RESOLUTION NO. 691

(Series of 1939)

"LAND PURCHASE - LAFAYETTE PARK
PARCEL 6.

"RESOLVED, in accordance with the recommendation of the Park Department and pursuant to Resolution No. 1917, adopted by this Board on May 6,1935, that the City and County of San Francisco accept a deed from Coast Bay Company, or the legal owner, to a portion of Lot 1, Assessor's Block 616, San Francisco, size 106 feet 4-7/8 inches by 82 feet 6 inches, required for Lafayette Park, and that the sum of $20,000.00 be paid for said land from Appropriation No. 912.600.02. The City Attorney shall examine and approve the title to said property.

"Adopted - Board of Supervisors, San Francisco, December 4, 1939.

"Ayes: Supervisors Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Uhl.

"Absent: Supervisors Brown, McGowan, Shannon.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk.

"Approved, San Francisco, December 6, 1939.

ANGELO J. ROSSI
Mayor."

"RESOLUTION NO. 692

(Series of 1939)

"LAND PURCHASE - AQUATIC PARK, PARCEL 2.

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco, a municipal corporation, accept a deed from CALIFORNIA PACKING CORPORATION, or

Resolutions-Land Purchases:

"the legal owner, to a strip of land 42.616 feet in width by 412.5 feet in length, extending from Hyde Street to Larkin Street, 85.232 feet south of Jefferson Street, in Assessor's Block 9, San Francisco, California, required for the Aquatic Park.

"BE IT FURTHER RESOLVED, That the sum of $23,581.36 be paid for said land from Appropriation No. 912.600.05.

"The City Attorney shall examine and approve the title to said property.

"Adopted - Board of Supervisors, San Francisco, December 4, 1939.

"Ayes: Supervisors, Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Uhl.

"Absent: Supervisors Brown, McGowan, Shannon.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk.

"Approved, San Francisco, December 6, 1939.

ANGELO J. ROSSI
Mayor."

Sewer Repairs-Fleishhacker Zoo:

Upon the recommendation of Superintendent of Construction, Bart Rolph, the Board ordered that the old wooden sewers in the corrals at the Fleishhacker Zoo be placed in good condition at an estimated cost of $400.00.

Archery Meet:

Permission was then granted for the AHWAHNEE ARCHERS of San Francisco to hold their annual open shoot in Golden Gate Park Stadium on Sunday, July 14, 1940.

Skating-Lloyd Lake:

A request from the Secretary of the Park Presidio Improvement Association for the conversion of Lloyd Lake into an ice skating rink was unanimously denied, there being no funds available.

Mountain Lake Park Playground Control: The Board then considered a communication from the Park Presidio Improvement Association asking that the playground in Mountain Lake Park be placed under the jurisdiction of the Recreation Commission, as well as a letter from the Geary Boulevard Merchants' Association protesting against any change in jurisdiction but asking that a matron be put in charge of the playground area.

It was the unanimous opinion of the Board that the matter be referred to Mr. G. J. Linares for investigation and report at the next meeting, and that the Acting Secretary advise the correspondents that the matter was receiving consideration.

Condition of Comfort Stations: The Commission next discussed at considerable length a letter from the Director of Public Health directing the attention of the Board to the unsanitary condition of various convenience stations in Golden Gate Park, and instructed Messrs. J. L. Girod and John Feuerstein to investigate the complaint and to render a report thereon at the next meeting. Assistant Superintendent T. M. Grabow was also ordered to prepare plans for a new type of convenience station in accordance with the suggestions of the Works Progress Administration, to be submitted to the Commission in the near future.

Water Service Line - Fleishhacker Zoo: Superintendent of Construction, Bart Rolph, then submitted a memorandum urging the construction of a six inch by-pass water line, 110 feet long, to supply water for washing down purposes at Fleishhacker Zoo and Playfield during the winter months, the estimated cost of construction being $250.00.

It was the unanimous opinion of the Board that Mr. Rolph's recommendation be approved.

School District Rowing Activities: The President then read a letter from the Secretary of the Board of Education asking the Commission's consideration of the proposed agreement to be entered into for the use of a site at Aquatic Park for the School Department Rowing Activities, and requesting that permission be given for students to use the Aquatic Park bath house as a dressing room until such time as the new building was completed.

The proposed agreement was ordered held in abeyance for further study and the matter of the use of space in the bath house was referred to Commissioner Lermen with full power to act.

Cars and Sheds - Aquatic Park: A memorandum was submitted to the Commission from Superintendent of Construction, Bart Rolph, recommending that the owners of the Pullman cars on Beach Street near Aquatic Park, be ordered to remove them immediately and that the occupants of the sheds at the same location be ordered to vacate.

For the reason that the cars and sheds are occupying space on street property, the Acting Secretary was instructed to request the cooperation of the Department of Public Works in causing their removal at an early date in order that there might be no interference with Works Progress Administration activities.

Ski Slide-Palace of Fine Arts: Mr. John F. Potter next appeared before the Board and requested consideration of his proposal to lease the space now occupied by three tennis courts at one end of the Palace of Fine Arts for a Ski Slide.

Mr. Potter was requested to provide the Acting Secretary with additional copies of a letter outlining his plans in order that she might communicate

with the home owner groups at the Marina and obtain an expression of their attitude toward an activity of this kind.

Tenth Ave. Entrance-Shrubbery: There was next presented a communication from the San Francisco Public Safety Advisory Council requesting that the shrubbery at the main drive and Tenth Avenue entrance to Golden Gate Park be cut back approximately twenty-five feet as a traffic precaution, and that a white center line be placed at this curve to keep traffic in the proper lane. Commissioner Lermen stated that he had made a study of conditions at this particular entrance and was in agreement with the correspondents that the shrubbery should be trimmed.

It was so ordered by the Board.

Forts Barry and Baker - Plant Material: A request from the Commanding Officer of Forts Baker and Barry for the donation of shrubbery for landscaping around the buildings at the two positions was unanimously denied, all available plant material being needed for the landscaping of Works Progress Administration projects.

Burglary - Fleishhacker Cafe: The Board then considered a memorandum from Mr. H. C. Ellars reporting a burglary at the Fleishhacker Cafe during the night of December 25, 1939, with a merchandise loss of $17.64. The Acting Secretary was authorized to write off the loss in this amount.

W. A. Hansen-Personal Property: A request from former Park Foreman, W. A. Hansen, to remove certain of his property from the premises at Aquatic Park was referred to Mr. H. C. Ellars for disposition.

Publicity Funds: The President then called the attention of the members present to the fact that a sum of $1,000.00 was being held for Park use in the Publicity and Advertising Fund.

It was the unanimous opinion of the Board that consideration be given at a future meeting to possible means of expending these moneys.

Secretary Lamb - Retirement: The following letter was ordered incorporated in the minutes of this meeting.

"RETIREMENT BOARD
Room 215 - City Hall December 13, 1939

"Park Commission,
The Lodge, Golden Gate Park
San Francisco, Calif.

"Gentlemen:

"Bernard P. Lamb, who is employed in your department, has filed an application with the Retirement Board, requesting that he be retired for disability, and stating that he has rendered at least ten years of continuous service for the city.

"As the meeting of the Retirement Board held December 12, 1939, this application, together with the report of the Board's physician, was considered. The decision of the Board was that he be retired on the grounds of disability, the retirement to be effective as of January 1, 1940, all in accordance with the provision of Ordinance No. 4.073. He, therefore, is not eligible for employment in any position by the city.

Name	Title
LAMB, BERNARD P.	Secretary

Yours truly,

Ralph R. Nelson
Secretary-Actuary "

Aquatic Park-Furniture Specifications: The Acting Secretary stated that a letter had been received from the Dohrmann Hotel Supply Co. indicating their acceptance of the Park Commission's offer to pay $154.00 for their services in preparing specifications for the furnishings at Aquatic Park.

The communication was ordered filed.

Transfers and Allotments: The following resolution was adopted by the Board:

"RESOLUTION NO. 251

"RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.		To Appropriation No.		
912.300.01	Materials and Supplies	912.400.01	Equipment	$ 695.00
912.103.01	Wages - General	912.103.51	Wages - Sick Leave	5,000.00
912.103.02	Wages - Revenue	912.103.52	Wages - Sick Leave	1,000.00

ALLOTMENTS

Appropriation No.		
912.106.01	Fees and Special Compensations	$ 500.00
912.500.09	Yacht Harbor Extension	23,565.00"

Balboa Park Nursery - Use by Exposition: President Fleishhacker then informed the Board that the officials of the Golden Gate International Exposition had requested the use of the nursery buildings in Balboa Park for the propagation of plant material for use on the grounds of the Exposition during its second year of operation.

First Assistant Superintendent, J. L. Girod was instructed to prepare a list of recommendations regarding the future policy of the Park Commission in the matter of Exposition landscaping, with a view to an agreement being drawn up which would set forth all of the rights and obligations of the Commission and Exposition Company respectively.

The Acting Secretary was authorized to inform the Exposition authorities that, pending the adoption of such an agreement, they might continue to make use of the facilities at the Balboa Park Nursery.

Balboa Park Nursery - Use by S.F. Jr. College: In connection with the foregoing, it was ordered that the President of the San Francisco Junior College be informed that for the time being it would be impossible to grant his request for the use of part of the nursery at Balboa Park for a course in Landscape Architecture.

Annual Land Purchases - McLaren Park: First Assistant Superintendent Girod then reported favorably upon a tentative list prepared by Mr. T. M. Grabow, of properties to be purchased for McLaren Park Development from funds available in the current year's appropriation. Upon the recommendation of Commissioner Coldwell, Mr. T. M. Grabow was instructed to prepare and present to the Board at the next meeting a map showing the property in question.

Use of Borax on Fertilizer: The President next read a memorandum from Assistant Superintendent, Eric Walther, stating that in his opinion the application of Borax to fertilizer as a larvicide, as suggested by the Director of Public Health, would be impracticable, costly and possibly injurious to plant life.

Mr. Walther was instructed to confer on this subject with the Director of Public Health and to render an additional report at a future meeting.

Plaque in Mormon Grove: A request from the Daughters of Utah Pioneers for permission to place a bronze plaque in the Grove near Twenty First Avenue and Lincoln Way, in commemoration of the Mormon Ship "Brooklyn" on July 31, 1846, was presented and referred to Commissioner Lermen with full power to act.

Richmond-Sunset Sewage Plant - Floods and Landscaping: Construction Superintendent, Bart Rolph, next submitted a memorandum stating that, as a result of the installation of the Richmond-Sunset sewage plant, a flood condition had developed during the recent rains incurring damages of over $400.00 to Park Commission equipment, and urging that the City Engineer be requested to correct the condition.

President Fleishhacker informed the Board that it was his intention to confer with Mayor Rossi, Chief Administrative Officer, A. J. Cleary, and the Director of Public Works, regarding the landscaping of the Richmond Sunset Sewage Plant, and that on that occasion he would bring up the subject matter of Mr. Rolph's report.

Huddart Park: The question of water supply, the creation of fire trails, a boundary survey, and the fencing of the property at Huddart Park was ordered held in abeyance.

Yacht Harbor Extension - Plans Approved: The plans and specifications for the first unit of Yacht Harbor extension, as prepared by Mr. John M. Punnett, engineer, were then presented and approved.

The Acting Secretary was authorized to call for bids for this development.

Wage Funds: The Acting Secretary was instructed to provide each Commissioner with a copy of a schedule showing possible ways and means of curing the shortage in wage funds in order that consideration might be given to the matter prior to the next meeting.

Brick Chimney-Aquatic Park: A memorandum from Superintendent of Construction, Bart Rolph, recommending the demolition of the brick chimney on Public Utilities Commission property near Aquatic Park, was submitted and ordered held in abeyance, pending receipt by the Park Commissioners of an authorization from the Public Utilities Commission so to do.

Construction Report: A construction report prepared by Construction Superintendent, Bart Rolph, of work done during the month of November, 1939, and work to be accomplished in December, 1939, was ordered filed.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 6:00 P. M.

C. A. Wakefield

C. A. Wakefield
Acting Secretary

San Francisco, California
January 11, 1940

The regular meeting of the
Board of Park Commissioners
to be held on Thursday,
January 11, 1940, was postponed
due to the lack of a quorum.

C. A. Wakefield

C. A. Wakefield
Acting Secretary

San Francisco, California
January 25, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, January 25, 1940, at 4:15 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. J. J. Lermen

Absent: Com. Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which were sent to each Commissioner, were duly adopted as the minutes of the postponed meeting held January 4, 1940.

Lighting System in Golden Gate Park:

The Board then discussed resolutions of the County Council of the American Legion recommending the installation of white traffic lines and the modernization of the lighting system in Golden Gate Park. Mr. Robert C. Moser, Chairman on Community Betterment of the County Council, was present and urged that the Commissioners consider means of accomplishing these improvements, and to this end, the Board ordered Mr. Grabow to prepare lighting plans, and that he and Mr. Bart Rolph then confer further with Mr. Moser.

Opening of Bids- Unit No. 1 Yacht Harbor Extension:

The Commissioners then opened the bid for the first unit, Yacht Harbor Extension from the Healy Tibbetts Construction Company in the amount of $29,700.00. No award was made for the reason that the amount of the bid exceeded funds available, and the matter was referred to Mr. Lermen for report after consultation with the Controller and the City Attorney.

Steps near Lagoon - Palace of Fine Arts: A request from Mrs. F. Z. Smith, asking that steps be installed at the east side of the lagoon at the Palace of Fine Arts was discussed at considerable length and ordered held in abeyance for further study and report from Mr. Bart Rolph.

Lay-off of Park Employees: The Board then ordered held in abeyance the matter of the lay-off of Park Employees until the Commission was reorganized.

Transfers and Allotments: The Board then adopted the following resolution:

RESOLUTION NO. 252

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912.324.01 - Forage General Division	912.214.02 - Repairs Yacht Harbor	$2,000.00
912.300.03 - Materials and Supplies, Zoo	912.214.02 - Repairs Yacht Harbor	1,500.00
912.324.03 - Forage Zoo	912.900.01 - Services Other Departments	1,000.00

ALLOTMENTS

Appropriation No.		
912.600.01	Fleishhacker Playfield Land	$9,107.59
912.600.05	Aquatic Park Land	1,451.86
912.400.01	Equipment	6,772.82

Resolution No.253 - Purchase of Misc. Equipment: The following resolution was then adopted by the Board: RESOLUTION No. 253

RESOLVED unanimously by the Board of Park Commissioners that the Controller be requested to approve an expenditure in the amount of $6,772.82 out of Appropriation No.912-400-01 - Equipment, General Division, for the following equipment:

2 Toro Special Mowers - Sickle bar attachments	$ 920.00
1 Toro Parkmaster - 5 units and sickle bar	1,850.00
1 Toro Tractor - 3 units	1,330.00
3 Park Special 30" mowers	1,120.00
1 Utility Mixer	450.00
1 Garden Tractor (nursery)	467.00
Miscellaneous Small Equipment	615.82
	$6,772.82

Installation of Bench in Memory of Annie Laurie: The Board next considered a request from the North Beach Association seeking approval of a location near the Coit Memorial Tower for the installation of a bench in memory of the late Annie Laurie. It was ordered held in abeyance for further study and report at the next meeting.

Damage to Market St.Ry. Property: A bill in the amount of $50.08 from the Market Street Railway for damage to their property on Oak Street, as a result of felling a tree in the Panhandle, was next presented with a report thereon from First Assistant Superintendent Girod. This matter was referred to Commissioner Lermen with full power to act.

Resolution Approving Payment of Sharp Park Taxes: The Commissioners present then considered at some length the authorization of a resolution approving the payment of Sharp Park Taxes from the Sharp Park Bequest, and referred it to President Fleishhacker for further study and consultation with the Controller.

Employment of Engineer - Aquatic Park: There was then presented to the Board a request from the International Union of Operating Engineers that a qualified engineer be employed to operate the steam boiler and other mechanical equipment at Aquatic Park, and the matter was held in abeyance.

Damage to Murphy Mill: The Commissioners next discussed a report from Construction Superintendent, Bart Rolph, concerning damage to equipment at the Murphy Mill to the extent of $1,025.00 as a result of recent floods, and stating

that a levee is being constructed by Park employees at an estimated cost of $800.00.

The Board approved the action taken and the money expended to date but ordered that the repair of the pumps be postponed until after the rainy season.

Request for List of WPA Projects: There was next read a request from the Works Progress Administration Coordinating Committee for the submission of a list of essential WPA Projects for the fiscal year 1940-1941 on forms provided for the purpose.

The Acting Secretary was ordered to inform Mr. Warren Shannon, Chairman of the Committee, that the list is in process of preparation and that it would be forwarded to him within a short time.

Offer to Lease Shed on Merced Blvd.: An offer from Emma Baker was then presented to the Board to lease a shed on Lake Merced Blvd. west of Thirty-sixth Avenue and south of Sloat Blvd., for the stabling of two horses for the sum of $10.00 a month. The Commissioners held this over for investigation and report by First Assistant Superintendent, Julius Girod.

Golf Practice Range: Mr. Lee Dougan next appeared before the Board offering to lease certain property located south of Sunset Blvd. and west of Sloat Blvd. for three years at a rental of $100.00 per month for a Golf Practice Range.

After considerable discussion, his request was ordered held in abeyance and referred to Commissioner Lermen for investigation and report.

Resolutions 254 and 255 Additional Policemen for Golden Gate Park: The Commissioners then considered the need for more police supervision in Golden Gate Park to prevent heavy damage to property, stealing of plants and other

depredations constantly occurring, and adopted the following resolutions:

RESOLUTION NO. 254

RESOLVED unanimously by the Board of Park Commissioners that the Chief of Police be requested to provide motorcycle officers, one to patrol the Main Drive and one to patrol the South Drive between the hours of 6 A.M. and 10 P.M.

RESOLUTION No. 255

RESOLVED unanimously by the Board of Park Commissioners that the Chief of Police be requested to provide four additional mounted men for park work and that one-half of the mounted men in the park should be on duty from 11 A.M. to 7 P.M. and to provide two radio cars to patrol the park for twenty-four hours daily.

Collecting Mushrooms in Golden Gate Park:

There was then placed before the Commissioners a communication from Mr. Ernest Schaeffle seeking a permit to collect mushrooms for scientific purposes in Golden Gate Park, and unanimously approved.

Replacement of Piles - Yacht Harbor:

The Board next approved the plans and specifications for replacement of piles at Yacht Harbor, and authorized the Acting Secretary to call for bids.

Use of Kezar Stadium:

A request from the Finnish Relief Committee of the Bay Area for the use of Kezar Stadium for a Soccer Game on Sunday, January 28,1940, for the sum of $10.00, was approved by the Board.

The Commissioners also approved a request from the St. Francis Assembly, Fourth Degree Knights of Columbus Benefit Association, for the use of Kezar Stadium for a football game on Sunday, February 4, or in case of rain, February 11, for the sum of $500.00.

Installing Poles - Murphy Mill: A request from the Pacific Gas and Electric Co. for approval of installation of poles in connection with electrical work at the Murphy Mill was next placed before the Board.

Commissioner Lermen stated that he had investigated the matter thoroughly in company with Construction Superintendent, Bart Rolph, and upon his recommendation the Commissioners unanimously approved the installation.

Band Concert-Lincoln's Birthday: The Board next considered a request from Alfred Arriola, bandmaster, that a concert be given by his band in Golden Gate Park on Lincoln's Birthday, Monday, February 12,1940, and regretfully denied it.

Comfort Station Janitor Service: A report from Construction Superintendent, Bart Rolph, on Convenience Station Janitor Service was then discussed at some length and First Assistant Superintendent Julius Girod was ordered to report at the next meeting on the cost of a truck and the operation of same for a "flying crew", and Gerald Linares was also asked to prepare a report on methods of maintenance and cleaning of convenience stations.

Operation of Elephant Trains in Golden Gate Park: Mr. Steve Rice and Mr. Ray Williamson next appeared before the Board to again present their request to operate Elephant Trains in Golden Gate Park.

The matter was held in abeyance pending investigation by Commissioners Lermen and Budde and the Acting Secretary was ordered to request Chief Quinn to make a survey of the traffic dangers, if any, that might in his estimation arise from the operation of these trains.

Transfer of Thomas Keating: Messrs. John McLaughlin, Alvin B. Connolly and Thomas Keating then appeared before the Board to discuss the transfer of Mr. Keating from the shop to the Park. After the presentation of their views on this case and the reading of a report from Construction Superintendent Bart Rolph, President Fleishhacker put the matter in the hands of Commissioner Budde who ruled that it would be taken up in executive session.

Union Request for Meeting on Budget Matters: There was next presented a request from the San Francisco Municipal Parks Employees Union to have a meeting with the Finance Committee on the proposed budget for the year 1940-1941.

The Acting Secretary was ordered to notify the Union that the budget was not yet ready and to notify them when the Finance Committee was prepared to meet with them on this matter.

Seniority Rule: A communication from the San Francisco Municipal Parks Employees Union submitting the original Seniority Rule and rejecting the Seniority Proposals submitted by First Assistant Superintendent Julius Girod, was then placed before the Board and ordered held in abeyance until after the reorganization of the Commission.

2nd Unit Yacht Harbor Extension: There were next presented for discussion plans and specifications for the second unit of Yacht Harbor Extension for inclusion in the 1940-41 budget. Construction Superintendent, Bart Rolph, was instructed to get in touch with Mr. Punnett for the purpose of preparing three plans, one calling for an expenditure of $75,000, one for $100,000 and the third for $135,000; also data showing the number of berths and income from same represented in each plan, and to have these plans ready for the annual budget.

Moving of Rowing Activities-Aquatic Park:

Mr. Hardy of the School Department then appeared before the Board in connection with the moving of the rowing activities to Aquatic Park, and Commissioner Lermen was requested to confer with him further on the location of the proposed building.

Shelter at Horseshoe Courts:

Mr. Frank Lansing and Mr. Clyde Healy next appeared before the Board in connection with the erection of a shelter at the Horseshoe Courts in Golden Gate Park. Assistant Superintendent Grabow stated that plans had been drawn and approved by the Art Commission, with a cost to the sponsor of approximately $1500.00, on the occasion of a previous request for a shelter. Mr. Healy stated that he felt the Works Progress Administration would be willing to undertake this project if the Park Commission approved it, and the matter was referred to President Fleishhacker for further study with Mr. Healy.

McLaren Park Property:

The Commissioners next considered a map submitted by Mr. T. M. Grabow showing property which it is proposed to purchase for McLaren Park Development from the current year's funds.

The matter was referred to Commissioners Lermen and Budde with full power to act.

Landscaping Richmond-Sunset Sewage Plant:

The landscaping and irrigation of the Richmond-Sunset Sewage Plant was once more ordered held in abeyance.

Supervision of Mt. Lake Park:

In connection with his investigation of conditions at Mt. Lake Park, Mr. Linares stated that owing to inclement weather he had been unable to make a full report. The Board ordered the matter held over until the next meeting.

Use of Borax on Fertilizer: The Board then considered a report from Eric Walther in connection with a conference with Mr. A. B. Crowley of the Department of Public Health in which it was shown that houseflies do not breed in the sludge now being used.

Reports: The following reports were presented and ordered filed:

Construction Work for the month of December - submitted by Bart Rolph

Condition Report - Small Parks and Squares - January 22, 1940.

Profit and Loss Statement for five months ending November 30, 1939.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 6:00 P.M.

C. A. Wakefield

C. A. Wakefield
Acting Secretary

San Francisco, California
February 8, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, February 8, 1940, at 4:00 P.M.

There were present:

President Herbert Fleishhacker
Commissioner Henry F. Budde
Commissioner J. J. Lermen

Absent: Commissioner Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each Commissioner, were duly adopted as the minutes of the regular meeting held January 25, 1940.

McLaren Park Land Purchase: There was then presented to the Board a recommendation from the Director of Property to purchase Lots 1-2-3-4-5-6-7 and 8, Block 5937; Lot 4, Block 5939; Lots 4D and 5A, Block 6027; Lot 1, Block 6029; Lots 2 and 8, Block 6061; Lots 8 and 9, Block 6067; Lot 2, Block 6104; Lot 3, Block 6134; Lot 6, Block 6137; Lot 3, Block 6145; Lots 36,37 and 38, Block 6186; Lot 44, Block 6213; Lots 46 and 47, Block 6241, San Francisco, for $11,470.00 to be paid for from the McLaren Park Land Purchase Fund.

Commissioner Lermen drew the attention of the Commissioners to the fact that the lots on the above list were scattered and therefore not favorable for planned development and asked that this matter be held over until the next meeting so that it might be given further study with a view to adopting a firm policy of systematic buying.

Paving of Roads Golden Gate Park: The Board next discussed a letter from Dr. George S. Snyder requesting the paving of the road from Nineteenth Avenue to the Japanese Tea Garden and the entrances from Eighth and Sixth Avenues into the Main Drive. The Secretary was ordered to notify Dr. Snyder that the paving of the roads in the park was being taken care of in Works Progress Administration projects as rapidly as possible and an effort would be made to have this put on an early one.

Bid - 1st Unit Yacht Harbor Extension: The Commissioners then discussed the matter of the bid, in the amount of $28,700.00, of the Healy-Tibbitts Construction Company for the First Unit, Yacht Harbor Extension. Commissioner Lermen stated that the City Attorney had informed him that the above mentioned bid must be rejected for the reason that it exceeded the amount of money available for the work and that new plans might be made and bids again advertised for. President Fleishhacker then said that Mr. Punnett had drawn new plans which had been approved by Mr. Bart Rolph, and on his recommendation the Board adopted these plans and ordered the Acting Secretary to reject the bid of the Healy-Tibbitts Construction Company and call for new bids.

Replacement of Piles - Yacht Harbor: Mr. A. W. Kitchen then appeared before the Board relative to a mistake which had been made on his bid for replacement of piles at Yacht Harbor in the amount of $410.00, and requested permission to raise his bid to $1854.00, which would still leave him considerably under the next bidder, $2847.00. It was questioned as to whether or not this could legally be done, and the matter was left with Mr. Lermen with full power to act.

Flower Show- Palace Hotel

The Commissioners then approved the request of Dr. W. Gordon Swett that Mr. Eric Walther be permitted to display rhododendron and azalea specimens from Golden Gate Park at the annual Flower Show of the San Francisco Business Men's Garden Club to be held at the Palace Hotel, May 10,1940.

Exchange of Animals - Fleishhacker Zoo:

There was then presented a letter from Mr. M. P. Blankenship regarding an exchange of animals with the Fleishhacker Zoo according to an arrangement made with the late Dr. Heller, and a report thereon from Foreman Fred Chatten. The Commissioners ordered that Mr. Chatten give birds not over the value of $35.00 to Mr. Blankenship in exchange for the three Black-Tail deer we received from him inasmuch as Mr. Chatten reported a verbal agreement had been made.

Signs- Casting Pools:

The Commissioners then approved a request from Mr. C. H. Hittenberger of the Golden Gate Angling and Casting Club that signs prohibiting swimming be posted at the casting pools, and ordered First Assistant Superintendent Julius Girod to have three signs erected.

Trimming of Shrubbery - Gr. Highway:

There was next read a communication from Mrs. M. V. Collins, asking that the shrubbery in front of her residence on the Great Highway be pruned as it obstructed the view. Commissioner Lermen stated that he had investigated the situation and recommended that the shrubbery all along the Great Highway be pruned if the cost would not be excessive, and that Mr. Girod make a report on the cost at the next meeting.

Resolution No. 256 - Funds for Equipment:

The Board then unanimously ordered that Resolution No. 252 be rescinded and that the following resolution be adopted:

RESOLUTION NO. 256

BE IT UNANIMOUSLY RESOLVED by the Board of Park Commissioners that the following items of equipment, authorized in the 1939-1940 Budget, and still remaining to be purchased out of Appropriation Number 912.400.01, be cancelled:

1 Coupe 4 1½ ton Trucks 1 Sedan	$5,000.00
Water Pipe Locator Utility Pump	450.00
Photographic Mosaic Map	310.00
Office Equipment	322.82
Total	$6,772.82

BE IT FURTHER UNANIMOUSLY RESOLVED by the Board of Park Commissioners that the surplus thereby created in Appropriation Number 912.400.01 be utilized for the purchase of the following equipment now badly needed for Park operation:

2 Toro Special Mowers Sickle bar attachments	$ 920.00
1 Toro Parkmaster - 5 units and sickle bar	1,850.00
1 Toro Tractor - 3 units	1,330.00
3 Park Special 30" Mowers	1,120.00
1 Utility Mixer	450.00
1 Garden Tractor (nursery)	497.00
Miscellaneous Small Equipment	615.82
	$6,772.82

The Secretary is hereby instructed to prepare a supplementary appropriation ordinance for submission to the Board of Supervisors so that the above mentioned surplus may be reappropriated and made available to cover this purchase.

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The following Resolution was then adopted by the Board:

Resolution No.257 - Strybing Bequest Funds:

RESOLUTION NO. 257

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary of the Park Commission be authorized to transmit requisitions to the Purchaser of Supplies for the purchase of the following materials necessary for the development of the Arboretum in Golden Gate Park, and to charge the cost thereof to the Helene Strybing Bequest Fund:

Requisition No.2297 - Leonard Coates Nurseries, P. O. Box 231, San Jose, California
Plants as per attached list $129.84

Requisition No.2298 - Theodore Payne Nurseries, 2260 Los Feliz Blvd., Los Angeles, California.
Plants as per attached list $ 50.55

BE IT FURTHER RESOLVED that the Acting Secretary is hereby authorized to request the Controller to make an allotment in accordance with the provisions hereto.

Request for Paving of McLaren Drive:

There was next presented a request from the Greater Excelsior Improvement Club that the Park Commission include the paving of McLaren Drive through McLaren Park and the improving of Brazil Avenue entrance and various other improvements in the 1940-41 Budget estimate. After considerable discussion, it was ordered held in abeyance so that Commissioner Lermen might consult Col. Skeggs, of the Division of Highways, as to the steep grade of the present road and the possibility of correcting it before paving.

Bids - Contract No.2 "Gjoa":

Mr. Rolph then reported that Contract No. 1, Dismantling and Housing-in of the "Gjoa", had been completed and that it was now time to proceed with Contract No.2, Stripping down, Trussing and Preserving of the sloop "Gjoa". The Board ordered that Mr. Rolph prepare plans for the above and that the Acting Secretary be authorized to call for bids.

Loam from Highway Grading Project:

Mr. James Hester, Assistant City Engineer and Purchasing Agent, representing Mr. Andrew Gallagher, next appeared before the Board with an offer of a quantity of fine loam from a highway grading project. The Commissioners felt that, while this loam was much needed in the park, the estimated cost of 90¢ a yard for hauling, not including loading, was prohibitive, and regretfully refused the offer.

Ski Slide - Palace of Fine Arts:

Mr. John Potter then appeared before the Board seeking permission to withdraw his request to install a Ski Slide in the Palace of Fine Arts because of the general opposition of Marina civic organizations. The Commissioners granted this permission.

Signs - Cross-over Drive:

The Commissioners next discussed the size of two proposed signs to be erected by the California State Automobile Association on the Nineteenth Avenue Cross-over Drive. They did not approve the sign at Nineteenth Avenue and Lincoln Way for the reason that a "Stop" sign already there made the large size proposed (23" x 156") unnecessary. Mr. Lermen asked that any decision on the other sign to be erected on the drive be postponed for further study.

The Board then adopted the following Resolution:

Resolution No.258 Sharp Park Taxes:

RESOLUTION NO.258

RESOLVED unanimously by the Board of Park Commissioners that the taxes for the year 1939-40 in the amount of Two Hundred and Eighty-four Dollars and Twenty Cents ($284.20) be paid from the funds available in the Sharp Park Bequest Fund.

Lease of Shed-Merced Blvd.:

First Assistant Superintendent Girod then reported that upon investigation he found that the shed on Merced Blvd., which Mrs. Emma Baker desired to lease for use as a stable for five years at a rental of $10.00 per month, was not on Park property and the Acting Secretary was ordered to so inform Mrs. Baker.

Proposed Golf Practice Range:

Mr. Lee Dougan again appeared before the Board to discuss his request to lease certain property located south of Sunset Blvd. and west of Sloat Blvd. for three years at a rental of $100.00 per month for a Golf Practice Range. Mr. Lermen stated that this property was now leased to Mr. Garibaldi on a month to month agricultural lease and requested that the matter be held over so that he could consult with the Director of Property and the City Attorney regarding this lease.

Convenience Station Janitor Service: Mr. Gerald Linares presented a report on the maintenance of convenience stations located in the Recreation Department Playgrounds, and President Fleishhacker ordered that copies be sent to each commissioner and the matter held over for a later meeting.

"Annie Laurie" Memorial: The question of the approval of a site at Coit Tower for the location of the Annie Laurie Memorial bench, requested by the North Beach Promotion Association was once more discussed and ordered held in abeyance.

Lighting System, Golden Gate Park: The resolution of the County Council of the American Legion requesting that modernization of the lighting system in Golden Gate Park be put in the 1940-41 budget was again discussed, and Mr. Graham presented his report thereon. Commissioner Budde stated that it had been suggested that the matter be taken up with the Pacific Gas and Electric Company and the matter was referred to President Fleishhacker for study and report.

Steps - Palace of Fine Arts Lagoon: Assistant Superintendent Graham next submitted a report on the relative costs of steps or a path at the east side of the lagoon at the Palace of Fine Arts as requested by Mrs. F. K. Smith. After some discussion the Board ordered that plans be prepared and submitted to First Assistant Superintendent Girod and a path created at a cost of not more than Fifty Dollars ($50.00).

Moving of Maps, etc. from Exposition to Palace of Fine Arts: Mr. Joseph Webb, Secretary of the Exposition Preservation League, then appeared before the Board to outline the desire of this organization to move certain maps, paintings and dioramas from the Golden Gate International Exposition to the Palace of Fine Arts and to enlist the aid of the Park Commissioners in accomplishing

this. President Fleishhacker stated that it would cost approximately $30,000.00 to do this and asked Mr. Webb to inform Mr. Turner, president of this organization, that he would discuss the matter with the Mayor at the budget meeting and would like to have him present. The Acting Secretary was instructed to notify Mr. Turner of the date of this meeting when it was set.

Petition for Development of Aquatic Park Area: There was next presented a petition from a number of property owners and registered voters that funds for various improvements of the Aquatic Park area be included in the 1940-41 budget of the Park Commission. As plans for these improvements are now under consideration and will be consummated as fast as funds are available, some of them WPA projects, the President ordered that the petitioners be so informed.

Creation of Levee near Children's Quarters: The Commissioners then inspected a model of a proposed levee to be constructed near the Children's Quarters, with the idea of supplying more seats for the May Day fete. The matter was referred to Mr. Grabow and Mr. Girod for further study and consultation with Commissioner Budde.

School District Rowing Activities: The matter of moving the School Rowing Activities to Aquatic Park was again brought up by Mr. Linares who stated that the Board of Education had certain funds allotted for this purpose and was anxious to use them during this fiscal year. President Fleishhacker asked Construction Superintendent, Bart Rolph to obtain sketches of the proposed site from Mr. Punnett for presentation at the next meeting.

Improvements Cal.Pack.Lot: The Commissioners then asked Assistant Superintendent Grabow to present the plan for improvements to the California Packing Corporation lot at Aquatic

Park. After some discussion Mr. Snelow was instructed to show the plan to Clyde Neely for his approval.

Transfer of Thomas Keating: Commissioner Budde then reported that the investigation of the transfer of Thomas Keating from the shop to the Park was complete, and that the decision upheld First Assistant Superintendent Girod in his action; Mr. Keating's request for replacement in the shop was denied.

Union Requests Budget Hearing: Mr. McLaughlin, representative of the San Francisco Municipal Parks Employees Union, again requested that the Union be granted a meeting with the Finance Committee before the 1940-41 budget was sent to the Controller, and the Commissioners assured him of such a meeting.

Access to Personnel Records by Union: Mr. Elvin Connolly, attorney, then brought up the subject of the Union's access to all personnel records. After some discussion Mr. Lersen suggested that Mr. Connolly address a letter to the Park Commissioners stating exactly the Union's wishes in this matter and stated that the Board would then request an opinion from the City Attorney.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:30 P. M.

C. A. Wakefield

C. A. Wakefield
Acting Secretary

San Francisco, California
February 15, 1940

Special Meeting: A special meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, February 15,1940, at 4:15 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. J. J. Lermen
Com. Parker S. Maddux
Com. George H. Sandy

Minutes Approved: The minutes of the previous meeting, copies of which were sent to each Commissioner, were duly adopted as the minutes of the regular meeting held February 8, 1940.

Reappointment of Com. Budde: The Acting Secretary then presented a certificate certifying to the reappointment of Mr. Henry F. Budde as a member of the Board of Park Commissioners for the period of four years from January 15, 1940.

"THE CITY AND COUNTY OF SAN FRANCISCO
State of California

"To all to whom these presents shall come;Greeting:

"Reposing special confidence in the fidelity and ability of HENRY F. BUDDE, I do, by these presents, by virtue of the authority vested in my by the Charter of the City and County of San Francisco, appoint him a Park Commissioner in and for the City and County of San Francisco, he to hold said office for the term of four years from and after the 15th day of January, 1940, vice himself, term expired.

"IN TESTIMONY WHEREOF, I have signed my name and have caused the seal of my office to be affixed hereto this 15th day of January, 1940.

(Signed) ANGELO J. ROSSI,Mayor

"Attest:
E. Cullenward
Executive Secretary to the Mayor."

Appointment of Com. George H.Sandy: The Acting Secretary next presented a certificate certifying to the appointment of Mr. George H. Sandy,as a member of the Board of Park Commissioners for the period from February 10,1940 and ending January 15,1944.

"THE CITY AND COUNTY OF SAN FRANCISCO
State of California

"To all to whom these presents shall come;Greeting:

"Reposing special confidence in the fidelity and ability of GEORGE H. SANDY I do, by these presents, by virtue of the authority vested in me by the Charter of the City and County of San Francisco, appoint him a member of the Park Commission in and for the City and County of San Francisco, he to hold office for the term ending January 15, 1944, from and after the 10th day of February,1940, vice Colbert Coldwell, term expired.

"IN TESTIMONY WHEREOF, I have signed my name and have caused the seal of my office to be affixed hereto this 10th day of February,1940.

(Signed) ANGELO J. ROSSI, Mayor

"Attest:
E. Cullenward
Executive Secretary to the Mayor

Commissioner Lermen then recommended that the following items on the Calendar be held over until the next meeting, to which there was no objection:

Re-election of President
Re-appointment of Superintendent
Appointment of Secretary
Designation of Meeting Days
Appointment of Committees

Resolution No.260 - Appointment of G.J.Linares Acting Sec'y:

The following resolution was then adopted by the Board of Park Commissioners:

RESOLUTION NO. 260

RESOLVED unanimously by the Board of Park Commissioners that, effective immediately and until the appointment of a Secretary, Gerald J. Linares, Assistant Athletic Organizer, be appointed Acting Secretary and assigned to perform the duties of the Secretary.

McLaren Park Land Purchase:

Mr. Joseph Phillips, Director of Property, then appeared before the Board and submitted an additional recommendation to purchase Lot 10, Block 6067, and Lot 21, Block 6242, to be paid for from the McLaren Park Land Purchase Fund. Mr. Lermen was asked to

discuss this ma tter with Mr. Phillips more fully with reference to a plan for systematic purchasing of property in McLaren Park, and the matter was ordered held in abeyance until the next meeting.

Proposed Purchase by City - Vicinity of Palace of Fine Arts:

Mr. Phillips next reported at some length relative to a small piece of property which had been left unimproved on Lyon Street, running through to Jefferson Street, which the City was considering purchasing out of Street Widening Funds, then closing off the westerly half of Jefferson Street in the block between Lyon and Baker, and then turning it over to the Park Commission for the placement of a statue or other means of beautification. President Fleishhacker requested that First Assistant Superintendent Girod go over the site with Mr. Phillips and Mr. Lermen, and submit a report at the next meeting.

Rowing Activities-Aquatic Park:

Mr. Elmer P. Delaney, President of the Allied Rowing Clubs, brought to the attention of the Commissioners the fact that the action of the water in washing the sand out from under the piers located on the east end of Aquatic Park, made it very dangerous to launch boats there, and requested that an allowance be made in the 1940-41 budget to take care of the extension of these piers so that they could be used without hazard. It was estimated that this work would involve an expenditure of approximately $2500.00. The matter was referred to Mr. Lermen for investigation and further report to Mr. Budde.

A further request was made by Mr. Delaney regarding the condition of the buildings at Aquatic Park, used by the three rowing clubs, which were badly in need of stuccoing and improving to conform with the surroundings, and while it was pointed out that the rowing clubs

discuss this ma tter with Mr. Phillips more fully with reference to a plan for systematic purchasing of property in McLaren Park, and the matter was ordered held in abeyance until the next meeting.

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were to take care of the painting and upkeep of these buildings in accordance with their written agreement, it was felt that this would not be sufficient. Mr. Delaney was informed that an appropriation of $5,000.00 had been requested in the new budget, with which it was hoped to take care of this work.

Union request Salary increases Engineers: Mr. John O'Connell, Secretary of the San Francisco Labor Council, next appeared before the Board to request certain salary increases in the Engineering Department, urging against discriminations between men, and against the establishment of a five day week where it involved any reduction in salary to an employee. He was informed that the matter was in the hands of Commissioner Budde and that the Commissioners would undoubtedly abide by Mr. Budde's recommendations.

Bids- Pulling and Driving of Piles, Yacht Harbor: Construction Superintendent Bart Rolph reported to the Board that a letter had been received from Mr. A. W. Kitchen, requesting the withdrawal of his bid for the Pulling and Driving of Piles at Yacht Harbor for the reason that a serious error had been made in his figures. On motion duly made, seconded and carried, Mr. Kitchen was permitted to withdraw his bid.

Resolution No.261 - Award of Contract: The Board then adopted the following Resolution:

RESOLUTION NO.261

RESOLVED unanimously by the Board of Park Commissioners that a contract be awarded to the Duncanson-Harrelson Company for the Pulling and Driving of Piles at Yacht Harbor, Marina, San Francisco, and that payment therefor in the amount of Twenty Three Hundred Forty-Seven Dollars ($2347.00) be made from funds available in Appropriation 912-214-02 - Repairs, Yacht Harbor.

Requested Drinking Fountain for dogs - Great Highway: Mr. William K. Gutzkow, representing the Society for the Prevention of Cruelty to Animals, appeared before the Board to present his request that their organization be permitted to place a Drinking Fountain for dogs on the Great Highway, between Balboa and

Cabrillo Streets. First Assistant Superintendent Girod was instructed to investigate the matter, and if considered feasible, Mr. Gutzkow was then to get the approval of the Art Commission and present the matter to the Park Commissioners again for final decision.

San Andreas Pump Plant: President Fleishhacker next reported that he was working on the matter of the San Andreas Pump Plant with Mr. Cahill, Manager of Public Utilities, which matter the Commissioners agreed to leave with him for further study.

Aquatic Park Improvements: The matter of improvements at Aquatic Park was then discussed at some length and a print submitted by Assistant Superintendent Grabow showing the proposed improvements to the California Packing Corporation lot at an estimated cost of $34,000.00. President Fleishhacker recommended that this be referred to Mr. Clyde Healy for inclusion in the next Works Progress Administration Budget, which the Commissioners approved. It was agreed that the Commissioners would meet at the site the following day for a more thorough investigation of the problems at Aquatic Park, and the matter was held in abeyance by order of the Board.

School District Rowing Activities: Commissioner Lermen then reported briefly on his investigation of the problem of the location of buildings at Aquatic Park for the School District Rowing Activities, and stated that he was to meet with a member of the Art Commission for a discussion as to whether or not it would be advisable to place floats, buildings, etc. on the West side of the Park.

Employment of Engineer - Aquatic Park: A communication from Mayor Angelo J. Rossi was next presented to the Board recommending the employment of a qualified operating engineer at Aquatic Park, and was ordered held in abeyance for further consideration.

Request for Permit to Pass Through Huddart Park Property:

The Commissioners next discussed the request from Mr. Atholl McBean that he be given a permit to pass through the Huddart Property to get to his own estate, and also that permission be granted for the Woodside Trails Club to use trails previously built on this acreage. It was the consensus of opinion that this was public property and that no permits were needed. The Acting Secretary was instructed to so notify Mr. McBean.

Request for Donation of Shrubbery:

A communication from the Presentation Convent, requesting a donation of shrubs for the front of the Convent, was then considered by the Board and ordered referred to First Assistant Superintendent Girod with full power to act.

Lighting - Golden Gate Park:

The matter of modernization of the lighting system in Golden Gate Park was again brought to the attention of the Commissioners, and ordered referred to President Fleishhacker.

Leasing of Beach Chalet:

The question of the leasing of the Beach Chalet was next discussed, and the Commissioners agreed that it would be advisable to negotiate for a proper lease if such could be obtained.

WPA Projects:

The request of the Works Progress Administration for a list of projects to be considered in their next budget was again brought to the attention of the Board, and it was reported that First Assistant Superintendent Girod and Construction Superintendent Bart Rolph were working on this at the present time. The Board ordered that the matter be held over for discussion at the next meeting.

Moving Japanese Bldg. & Fountains from G.G.I.E.

The Board next considered the request of Mayor Angelo J. Rossi that certain funds be appropriated with which to acquire the Japanese Building and other

buildings and fountains from the Golden Gate International Exposition after its close, and Commissioner Budde reported that $30,000.00 had been included for this purpose in the new budget request.

Repaving of Harding Blvd.:

The Commissioners then discussed the matter of the repaving of Harding Blvd. which was badly in need of repair. It was the consensus of opinion that the cost of this work should come from the Gasoline Tax Funds rather than at any expense to the Park Commission; however, it was ordered that the request for paving be placed in the 1940-41 budget.

Request from WPA to move materials:

A letter from Mr. Harry Fell, Project Director of the Works Progress Administration, requesting permission to remove salvage materials from one WPA project to another under the blanket Park Projects, was then discussed by the Commissioners and the request granted. The Acting Secretary was instructed to so notify Mr. Harry Fell and Mr. Clyde Healy.

Additional Men New Zoo:

First Assistant Superintendent Girod then brought to the attention of the Board the fact that a provision should be made in the new budget for three additional men which would be needed at such time at such time as the new Zoo would be completed. The Board ordered that Commissioner Budde make this provision in the 1940-41 budget request.

Mori's Point Levee Sharp Park:

The Commissioners next discussed the necessary work to be done in connection with the Mori's Point Levee at Sharp Park, and Construction Superintendent Bart Rolph was requested to visit the site with

Mr. Punnett and Commissioner Budde, and submit a report of their investigation at a subsequent meeting of the Board.

Submission of Budget Estimate:

Copies of the 1940-41 Budget Estimate were placed before each of the Commissioners for study, and it was ordered by the Board that the matter be left with Commissioner Budde with full power to act.

May Day Festivities-Request for Use of Kezar Stadium:

A communication from the California Club of California requesting the use of Kezar Stadium for the May Day Festivities was then discussed by the Commissioners. The Board deemed it advisable to deny this request.

Ratification Work Orders No.155 & 156:

The Commissioners next voted to ratify the following emergency Work Orders which had been previously approved by President Fleishhacker:

> No.155 covering the reconditioning of electrical equipment recently submerged at the Murphy Mill in Golden Gate Park.
>
> No.156 supplementing the quarterly work order for blacksmithing services in order to provide funds for emergency repairs to the Park tractor.

The following Resolution was introduced by President Fleishhacker and adopted by the Board:

Resolution No.259 Transfers and Allotments:

RESOLUTION NO.259

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-324-02 Forage Revenue Division	912-324-03 Forage Zoo Division	$1,080.00
912-324-03 Forage Zoo Division	912-300-01 Materials and Supplies General Division	$2,500.00

Mr. Punnett and Commissioner Budde, and submit a report of their investigation at a subsequent meeting of the Board.

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ALLOTMENT

Appropriation No. 912-600-05 Aquatic Park Land $1,433.46

- - - - -

Angling and Casting Club Agreement:

The following Agreement, previously approved by the Board of Park Commissioners at a meeting held November 9,1939, was ordered signed by the President and the Acting Secretary and incorporated in the minutes of this meeting:

THIS AGREEMENT, entered into by and between the PARK COMMISSION of the City and County of San Francisco, hereinafter called the "Commission", and the GOLDEN GATE ANGLING AND CASTING CLUB, a non-profit corporation, hereinafter called the "Club";

W I T N E S S E T H:

THAT WHEREAS, for many years prior to the time when the City and County of San Francisco created in Golden Gate Park a series of modern fly casting pools and an Anglers' Lodge for the housing of fly casting equipment, immediately west of the Golden Gate Park Stadium, the Club owned and maintained on the borders of Stow Lake in Golden Gate Park, San Francisco, an Anglers' Lodge and headquarters for the members of the Club, which Lodge on said Stow Lake has recently been demolished; and

WHEREAS, the Club has applied to the Commission for permission to use the present Anglers' Lodge as a headquarters for its activities, and the Commission is willing to grant such permission, upon the terms and conditions hereinafter stated;

NOW, THEREFORE, IT IS AGREED as follows, to-wit;

(a) That the Club shall be, and is hereby, permitted to use and occupy said building for the same purposes and to the same extent as has been heretofore permitted in the former Anglers' Lodge, upon condition that said Club will make all necessary repairs to said building and that said Club will, from time to time, and especially when directed to do so by the Commission, paint the exterior of said building and generally maintain said building, so that the same will generally conform with its surroundings; provided, however, as to the convenience stations situated at the west end of said building, the Club's duty shall be to keep the same in a clean condition only, and the Club shall not be liable for any breakage or repairs to the fixtures, plumbing and sewage in said convenience stations.

(b) That the Club hereby agrees that in consideration of the use of said building it will irrigate and water the lawn, shrubs and trees, cut the lawn, and keep all walks and paths clean, in a manner satisfactory to the Commission, of all the

properties within the circumscribed area shown on the plat attached hereto and marked "Exhibit A". The Club further agrees to keep the pools clean, but shall not be liable for any checks or cracks in the concrete of the pools nor damage to the pools caused by the acts of God or the elements.

(c) That the Club hereby agrees to save the City and County of San Francisco and the Commission free and harmless from any and all claims for damages occurring in and about the said building and within the circumscribed area shown on the attached plat, from any cause whatsoever while the same is being used and occupied by the said Club and will carry liability insurance in the amount of at least Five Thousand Dollars ($5,000.00) in a duly qualified liability insurance company satisfactory to the Commission, protecting the City and County of San Francisco and the Commission from any and all liability by reason of any accident occurring on, in or about the aforesaid building or in the circumscribed area shown on the attached plat; loss under such a policy of insurance being made payable to the City and County of San Francisco, the Commission and the Club as their respective interests may appear, but such insurance shall, in all claims be used first to indemnify the City and County of San Francisco and the Commission before being used to indemnify the Club;

(d) That the Club hereby agrees to carry fire insurance to the amount of at least Five Thousand Dollars ($5,000.00) in a duly qualified fire insurance company satisfactory to the Commission, protecting the City and County of San Francisco, and the Commission, from any and all loss by fire occurring in or about the aforesaid building; loss under such a policy of insurance being made payable to the City and County of San Francisco, the Commission and the Club as their respective interests may appear, but such insurance shall, in all claims be used first to indemnify the City and County of San Francisco and the Commission before being used to indemnify the Club. The Commission agrees that if said premises are damaged or destroyed by fire that the Commission will use the money received from said insurance company issuing said policy of insurance for the reconstruction and replacement of said damaged or demised premises as far as the funds will permit, said reconstruction or replacement to be made as soon as reasonably possible.

(e) The Club shall have the right to improve the aforesaid building and make alterations and additions thereto provided the said improvements, alterations or additions are first approved by the Commission, and said improvements, alterations or additions are to be made entirely at the expense of the Club and without cost of any kind to the City or to the Commission;

(f) That the Club agrees that the general public, as well as Club members, may have the privilege of passing over the circumscribed area shown on the attached plat, to the surrounding paths and roadways, and the free use of the fly casting pools, which are to be used exclusively for practicing the art of angling, and pathways and of the convenience stations at the west end of the building.

(g) That the Club agrees that male citizens of the United States of America shall be eligible for regular membership in said Club upon the conditions set forth in the By-Laws of said Club;

(h) That the Club hereby agrees that as long as it occupies the building it will so conduct its affairs that said Club shall be operated and maintained so as not to interfere with the use of the circumscribed area shown on the attached plat by all other persons privileged to use the same, and that its said Club members, as well as all persons who may have the right of visiting said Club, will at all times comport themselves in an orderly manner and with due regard to the rights and comfort of all other persons who may be privileged to visit or use said circumscribed area shown on the attached plat;

(i) Any of the rights or privileges granted or acquired by the Club under and pursuant to this agreement shall be personal to the Club and shall not be assigned or transferred either directly or indirectly, or by operation of law or otherwise, without the consent of the Commission;

(j) For the purpose of protecting the rights and interests of the City and County of San Francisco and its citizens, it is understood and agreed by and between the parties hereto that this agreement is merely a license and a permit revocable at any time at the pleasure of the Commission. It is therefore agreed that the Commission may at any time, on thirty days' notice to the Club, terminate this license and permit and all rights and privileges granted to or acquired by the Club under or pursuant to this agreement, and without recourse against the Commission on any ground whatsoever. Upon the expiration of the said period of thirty days, from and after the giving of said notice by the Commission, the said Commission may re-enter and take possession of said building and of everything adjacent or appurtenant thereto.

(j2) It is the intention of the parties hereto that the aforesaid building to be used and occupied by the Club shall be used exclusively for recreational purposes by said Club, save and except that the Commission agrees that a portion of said building may be used by the keeper of the building and premises for living quarters. Nothing herein contained shall be construed as a permission to said Club to occupy the said building for any definite period or term, but that at all times the said occupancy is revocable at the pleasure and the order of said Commission.

IN WITNESS WHEREOF, the Commission has caused this agreement to be executed by its President and Secretary, and the Club has caused the same to be executed by the properly constituted officers this 16th day of February, 1940.

PARK COMMISSION

(Signed) H.F.Fleishhacker, President

(Signed) Jerry Linares, Acting Secretary

GOLDEN GATE ANGLING AND CASTING CLUB:

(Signed) G.C.Irwin President

(Signed) Leslie L.Jacob Secretary

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 6:00 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
February 29, 1940

Postponed Meeting: A postponed meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, February 29,1940 at 4:00 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. J. J. Lermen
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which were sent to each Commissioner, were duly adopted as the minutes of the special meeting held February 15, 1940.

Resolution No.262 - Fund Transfers: The Board then adopted the following resolutions:

RESOLUTION NO. 262

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers.

From Appropriation No.	To Appropriation No.	
912.103.02 Wages Revenue Division	912.103.52 Wages Sick Leave	$1,200.00
912.200.02 Contractual Services - Revenue	912.300.02 Materials and supplies - Rev.	750.00
912.106.01 Fees and Special Compensations	912.900.01 Services Other Departments	850.00
912.200.03 Contractual Services - Zoo	912.200.01 Contractual Services - General	400.00
912.324.01 Forage General	912.324.03 Forage -Zoo	763.60

Resolution No.263 - Receipts Golf Course Cafes:

RESOLUTION NO. 263

RESOLVED unanimously by the Board of Park Commissioners that the Board of Supervisors be requested to approve a proposed emergency ordinance to appropriate Sixteen Thousand Seven Hundred Dollars ($16,700.00)

out of the surplus existing in the revenues of the Park Department for the purpose of providing funds for the purchase of necessary foodstuffs,etc. for the uninterrupted operation of the Harding, Lincoln and Sharp Park restaurants.

Resolution No.264 Award of Contract Yacht Harbor Extension:

RESOLUTION NO. 264

RESOLVED unanimously by the Board of Park Commissioners that a contract be awarded to the Healy Tibbitts Construction Company for the Construction of the First Unit of Yacht Harbor Extension, at Yacht Harbor, Marina, San Francisco, and that payment therefor in the amount of Twenty-Two Thousand Nine Hundred Dollars ($22,900.00) be made from funds available in Appropriation 912.500.09.

Proposed Purchase by City Adjoining Palace of Fine Arts:

Mr. S. F. Johnson next appeared before the Board requesting that the Park Commissioners give him definite assurance that they would accept the property adjoining the Palace of Fine Arts, under negotiation for purchase by the City, if and when the Board of Supervisors should dedicate it for park purposes. While the Commissioners were unanimous in the opinion that they would be glad to have this property without obligation to spend money except as appropriations for that purpose became available, they felt they were not in a position to make any such commitments at the present time. The matter was referred to Commissioner Lermen for further study.

Additional Benches - Palace of Fine Arts:

A request from the Marina Home Owners Protective Association for additional benches around the lagoon at the Palace of Fine Arts was then presented, and the

Acting Secretary instructed to inform the Association that four additional benched had recently been placed there in compliance with their wishes.

Widening Entrance at 8th Ave. & Fulton St.:

There was next presented a communication from the Presidio Association suggesting the widening of the entrance at Eighth Avenue and Fulton Street. The Acting Secretary was requested to inform this group that the sum of $2500.00 had been requested in the new budget for this purpose.

Request for Moving Bldg. from Exposition to McLaren Park:

The Commissioners then discussed a communication from the Excelsior Improvement Club relative to the moving of one of the buildings from Treasure Island at the close of the Fair for use as a recreation building. First Assistant Superintendent Girod stated that there was already a recreation building within a short distance of this park. Due to the fact that there were no funds available for this purpose the Board was unable to grant this request at the present time.

Elephant Train Operation in Golden Gate Park:

Mr. Ray Williamson next appeared before the Commission in regard to the proposed operation of Elephant Trains in Golden Gate Park. After considerable discussion it was decided to hold the matter in abeyance and President Fleishhacker suggested that the entire Commission make a thorough study of the problems involved before endeavoring to reach any decision.

"Pioneer Mother" Statue:

Various requests for the reconditioning of the Pioneer Mother Statue and for moving it from its present location to a suitable place in Golden Gate Park were brought to the attention of the Commissioners. It was estimated that the total cost of burnishing and refinishing, placing on a new concrete base, and installing the statue in Golden Gate Park should not

exceed $750.00.

On motion duly made, seconded and carried, it was resolved that the Park Commission install the statue of the "Pioneer Mother" in a suitable location to be selected by their chairman, the costs to be arranged for from some fund to be provided by the Mayor and the Controller, and subject to the approval of the Art Commission.

Mt. Davidson Park - Request for additional land:

Mr. Lloyd Berendsen, President of the Miraloma Park Improvement Association, together with a delegation from that group, appeared before the Board with a resolution from that body petitioning for the purchase of seven acres adjoining Mt. Davidson Park as an addition to that park.

President Fleishhacker informed the delegation that the Park Commission had no authority to negotiate for the purchase of land, that the matter should be handled through the Director of Property, Mr. Joseph Phillips, and suggested further that it would be advisable to take the matter up first with the Mayor and the Controller to ascertain whether or not the City had any funds available for this purpose.

Jurisdiction of Mt. Lake Playground:

A resolution was then presented to the Board from the Kiwanis Club of Golden Gate requesting the transfer of Mt. Lake Playground from the jurisdiction of the Park to the Recreation Commission. Inasmuch as requests had also been received that it remain under the jurisdiction of the Park Commission, it was decided to make no change at the present time.

Union's request for access to Personnel Records:

A letter from the Secretary of the San Francisco Municipal Parks Employees Union, dated February 20, 1940, requesting the Park Commission to ask for an

opinion from the City Attorney as to whether or not the Personnel Records of the Park Department are public records, was ordered referred to the City Attorney.

Union request for hearing on "Lay-off":

Mr. Andrew Gallagher next appeared before the Commission to inquire as to what action had been taken relative to the proposed curtailment of park employees and requested that representatives of the San Francisco Municipal Parks Employees Union be granted a hearing before such action were taken. He was informed that the Commission was not ready to take action on this matter at present, but that he would be notified accordingly.

Proposed WPA Projects:

A preliminary list of Works Projects Administration projects suggested for 1940-41 program was placed in the hands of each of the Commissioners for further study and discussion at the next meeting.

Engineer - Aquatic Park:

The matter of the employment of a qualified engineer at Aquatic Park was again brought before the Board and the matter referred to First Assistant Superintendent Girod with full power to act.

Disposal of Wood:

First Assistant Superintendent Girod then asked that the Board establish a policy with reference to numerous requests which had been received for log wood which was being burned at the present time. It was the consensus of opinion that the giving away of wood to private parties would establish a dangerous precedent, and the Board ruled that no change be made in the present method of disposing of log wood.

"Gjoa" Rehabilitation

Superintendent of Construction, Bart Rolph, next called the attention of the Commissioners to the fact that the hull of the "Gjoa" was waterlogged, causing fungus to grow rapidly, and that it was necessary to provide gas circulating heat to dry it out at an estimated cost of $200.00.

The following resolution was therefore adopted:

Resolution No.265 "Gjoa":

RESOLUTION NO. 265

RESOLVED unanimously by the Board of Park Commissioners that funds in an amount not to exceed $200.00 be appropriated from the "Gjoa" Rehabilitation Fund, Appropriation No. 912-500-11, for the purpose of providing gas circulating heat to dry out the hull.

Lighting Palace of Fine Arts:

A request from the Marina Home Owners Protective Association for additional lighting around the lagoon at the Palace of Fine Arts was denied due to insufficient funds in the current budget.

McLaren Park Land Purchases Approved:

Upon request of the Director of Property, the Board then approved the purchase of the following property for McLaren Park Development:

Block No.	Lot No.	Amount
6029	1	$ 500.00
6241	46,47	350.00
6061	8	1,110.00
5997	1,2,3,4,5,6,7,8	6,000.00
6061	2	700.00
5999	4	600.00
6027	4D	125.00
6186	36,37,38	300.00
6067	8	125.00
6067	9	125.00
(6027	5A	
(6137	6	260.00
6213	44	75.00
6134	3	400.00
(6145	3	
(6104	2	800.00
6316	10	2,250.00
6112	5	500.00
6067	10	250.00
6242	21	175.00

Proposed CCC Camp Huddart Park: The Acting Secretary, Gerald Linares, then gave a report on information obtained in connection with the establishment of a CCC Camp at Huddart Park, and the matter was referred to President Fleishhacker for further investigation.

Sharp Park Water Supply: A lengthy discussion then ensued relative to the Sharp Park Water Supply and the San Andreas Pumping Plant; the matter was left with President Fleishhacker to reply to Mr. Cahill's letter of February 3,1940.

San Andreas Pump Contract: Construction Superintendent Bart Rolph then stated that Fred J. Early Company had sent in a letter requesting payment for materials and labor supplied to date, and release from their contract in connection with the reconstruction of the San Andreas Pumping Plant. Referred to President Fleishhacker.

Flood Waters Sharp Park: Mr. Rolph next called the attention of the Commissioners to the serious condition caused by the yearly flood waters at Sharp Park and the possibility of diverting these waters into the ocean before they reach the lake. First Assistant Superintendent Girod was instructed to have prepared the necessary plans and reports for this work.

Damage to Great Highway: The matter of repairing damage to the Great Highway, especially in the vicinity of the Taraval Tunnel was discussed at some length and a communication from Mr. Clarence Voorhees of the Great Highway Club, offering certain assistance to the Park Commission and the Department of Public Works in securing emergency and permanent repairs, was introduced by Mr. Girod. The Acting Secretary was instructed to send a letter to Mr. Wilder, Director of Public Works requesting that necessary steps be taken for temporary emergency

repairs, and inquiring as to the possible plans for permanent improvement.

Publicity & Advertising Fund: The expenditure of the $1,000.00 appropriation being held in the City's Publicity and Advertising Fund was discussed and ordered referred to Commissioner Budde with full power to act.

Golf Practice Course: Commissioner Lermen reported on progress that had been made in connection with the leasing of property to Lee Dougan for a Golf Practice Course, and the terminating of the present lease of this land held by Mr. Garibaldi. The Board ordered that Commissioner Lermen be given full power to act in this matter.

Signs: Commissioner Lermen reported that he had studied the matter of the "Golden Gate Bridge" signs requested by the California State Automobile Association, and it was ordered that First Assistant Superintendent Girod be given full power to act.

Communication from A.B.Chaquette: Mr. A. B. Chaquette next appeared before the Board requesting that the Commissioners give full consideration to a communication he had sent to them relative to personnel ma tters.

Union request for change in Budget: Mr. J. R. Gerhart of the Building Material Drivers' Union No.216 then appeared before the Commission to request that they amend their budget to include the proposed wage standardization under consideration by the Board of Supervisors. Referred to Commissioner Budde with full power to act.

Strybing Bequest Funds: Resolution 266: The following resolution was then adopted by the Board:

Resolution No.266 - Arboretum Materials:

RESOLUTION No. 266

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary of the Park Commission be authorized to transmit requisitions to the Purchaser of Supplies for the development of the Arboretum in Golden Gate Park, and to charge the cost thereof to the Helene Strybing Bequest Fund:

Requisition		Amount
No.2538	Gladding McBean Company Standard V. C. Pipe	$106.49
No.2539	San Francisco Materials Co. Hydrated Lime	8.76
No.2540	John Cassarett Co. River Sand	15.66
No.2541	Golden Gate Atlas Co. Coarse Top Sand	11.33
No.2542	Henry Cowell Lime Co. Cement	48.34
		$190.58

BE IT FURTHER RESOLVED that the Acting Secretary is hereby authorized to request the Controller to make an allotment in accordance with the provisions hereto.

Resolution No.267-Setting Aside Land, Arboretum:

The following resolution was then adopted by the Board:

RESOLUTION No.267

WHEREAS, the Board of Park Commissioners at a regular meeting held March 29,1928, unanimously accepted the bequest of Helene Strybing to be used in defraying the expenses of laying out and establishing an Arboretum and Botanical Gardens in Golden Gate Park in the City and County of San Francisco; and

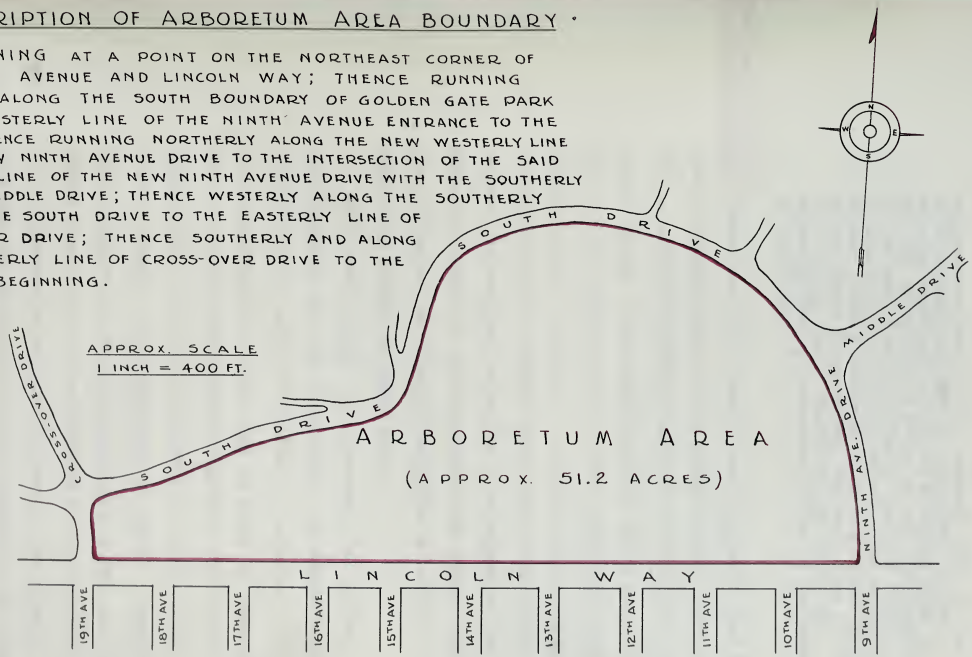
WHEREAS, the Board of Park Commissioners in accordance with the terms of said bequest for the establishment of an Arboretum and Botanical Gardens in Golden Gate Park, "preferably in the vicinity of the buildings of the California Academy of Science", has conducted a long and intensive survey of the land in the vicinity of these buildings and is now ready to set aside the land for the Arboretum and Botanical Gardens;

NOW, THEREFORE, BE IT RESOLVED: That the Board of Park Commissioners does hereby unanimously dedicate that portion of land in Golden Gate Park in the vicinity of the buildings of the California Academy of Science as the site for the Arboretum and Botanical Gardens, said portion of land being more particularly described as follows, viz:

BEGINNING at a point on the Northeast corner of Nineteenth Avenue and Lincoln Way; thence running easterly along the south boundary of

• DESCRIPTION OF ARBORETUM AREA BOUNDARY •

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF NINETEENTH AVENUE AND LINCOLN WAY; THENCE RUNNING EASTERLY ALONG THE SOUTH BOUNDARY OF GOLDEN GATE PARK TO THE WESTERLY LINE OF THE NINTH AVENUE ENTRANCE TO THE PARK; THENCE RUNNING NORTHERLY ALONG THE NEW WESTERLY LINE OF THE NEW NINTH AVENUE DRIVE TO THE INTERSECTION OF THE SAID WESTERLY LINE OF THE NEW NINTH AVENUE DRIVE WITH THE SOUTHERLY LINE OF MIDDLE DRIVE; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF THE SOUTH DRIVE TO THE EASTERLY LINE OF CROSS-OVER DRIVE; THENCE SOUTHERLY AND ALONG THE EASTERLY LINE OF CROSS-OVER DRIVE TO THE POINT OF BEGINNING.



MAP AND DESCRIPTION SHOWING
BOUNDARY OF ARBORETUM AREA
• GOLDEN GATE PARK •

Golden Gate Park to the westerly line of the Ninth Avenue entrance to the Park; thence running northerly along the Westerly line of the new Ninth Avenue Drive to the intersection of the said Westerly line of the new Ninth Avenue Drive with the southerly line of Middle Drive; thence Westerly along the southerly line of the South Drive to the Easterly line of Cross-over Drive; thence Southerly and along the Easterly line of Cross-over Drive to the point of beginning.

Emergency Authority Resolution No.270: President Fleishhacker then suggested that in view of recent damage to the parks and the roads under the jurisdiction of this Commission, because of the recent storms, it was apparent that there was a real need for the Superintendent or the First Assistant Superintendent of Parks to be vested with the power to spend money in similar emergencies, but within certain limitations, as would be necessary to save extensive damage to park property when delay resulting from following the regular procedure in calling for bids would result in heavy loss.

He stated that he had discussed this matter recently with the City Controller, who stated that he recognized the need for some such provision, but that the Controller had stated that it would be necessary for the Board of Park Commissioners at the first meeting after each such emergency to ratify such action, namely, the expenditure of funds. Commissioner Budde suggested that the expenditure of any such funds should receive the prior approval of the President of the Commission and the Chairman of the Committee on Roads and Structures; their judgment as to whether such an emergency had arisen to be expressed in writing and signed by them.

Commissioner Budde thereupon offered the following resolution:

WHEREAS, as the result of the recent severe rain storms, considerable damage has been done to various park properties under the jurisdiction of this Commission which have made necessary the making of repairs forthwith and without following the usual procedure in calling for bids in order to prevent further heavy losses;

NOW, THEREFORE, BE IT RESOLVED: That hereafter, and in accordance with the provisions of Section 10 of Ordinance 9.0871 of the Board of Supervisors of the City and County of San Francisco, if and when in the opinion of the President of this Commission and the Chairman of the Committee on Roads and Structures it is necessary that repair work should be done immediately and without delay, the Superintendent or the First Assistant Superintendent of Parks be and they are hereby authorized to make such repairs forthwith and without following the regular procedure in calling for bids for the doing of such work or furnishing the material necessary therefor. The prior approval in writing of the President and the Chairman of the Committee on Roads and Structures filed with the Secretary of this Commission shall be sufficient evidence that such an emergency has arisen and shall be authority in each case to the Superintendent or First Assistant Superintendent of Parks to proceed forthwith with the making of such repairs and furnishing of the necessary materials therefor.

AND BE IT FURTHER RESOLVED that at the next meeting following the authorization of such expenditures a report shall be filed with the Commission setting forth the arising of such an emergency, the expenditure of funds, the repairing of same and the amount thereof; such report shall be in duplicate, one of which will be filed with the Secretary of this Commission, and the other transmitted to the City Controller.

On motion duly made by Commissioner Budde, seconded and carried, the foregoing resolution was adopted.

Lighting Golden Gate Park:

President Fleishhacker then reported on the steps which had been taken toward the modernization of the lighting facilities in Golden Gate Park, and requested that, inasmuch as the Pacific Gas and Electric Company were the only firm in the city qualified to do this work, a resolution be adopted requesting the Board of Supervisors to waive the regular procedure in calling for competitive bids and permit the Pacific Gas and Electric Company to

do this work at an estimated cost of $125,000.00.

Commissioner Lermen was requested to enlist the aid of the City Attorney in having such a resolution prepared for adoption at a future meeting of the Board.

Meeting Adjourned: There being no further business, the meeting adjourned at 5:35 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
March 14, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, March 14, 1940.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. J. J. Lermen
Com. Parker S. Maddux
Com. George H. Sandy

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each of the Commissioners were duly adopted as the minutes of the postponed meeting of February 29, 1940.

Resolution No.268 - Fund Transfers and Allotments: The following resolutions were then adopted by the Board:

RESOLUTION NO. 268

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers.

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-103-02 Wages Revenue Division	912-300-22 Materials & Supplies Resale- Revenue Division	$3,500.00
912-103-02 Wages Revenue Division	912-350-02 Foodstuffs	10,000.00
912-300-01 Materials & Supplies- Gen.Div.	045 - Helene Strybing Bequest	145.45

ALLOTMENTS

Appropriation No.		
912-600-02	Lafayette Park Land	$1,237.78
912-600-03	McLaren Park Land	8,000.00
912-600-04	Yacht Harbor Land	5,000.00

Resolution No.269 - Payments:

RESOLUTION NO.269

RESOLVED unanimously by the Board of Park Commissioners that the following bills be approved and ordered paid:

J. L. Stuart Mfg. Co. - Contract #515
Dismantling and Housing of the Sloop
"Gjoa" $2,875.00

Punnett, Parez and Hutchison
Preparing Plans for 1st Unit Yacht
Harbor Extension, as per service
order $ 935.00

Harper, Robinson & Co., Custom House
Brokers $ 420.00

Res. No.271
John M. Punnett
Service Order:

RESOLUTION NO. 271

RESOLVED unanimously by the Board of Park Commissioners that a Service Order be issued in the amount of $500.00 to John M. Punnett for engineering services in connection with the construction of the First Unit of Yacht Harbor Extension.

Request by Exposition for loan of "Pioneer Mother" Statue:

A communication was then introduced from Mr. W.W.Monahan, General Manager of the Golden Gate International Exposition, offering to transport the "Pioneer Mother" statue to the Fair for 1940, provide a temporary base in a suitable location, and return it to such location in San Francisco as the Commission might designate at the close of the Exposition.

On motion duly made, seconded and carried the Commissioners voted to grant this request and to take the necessary steps to have the statue refinished and put in proper condition.

Palace of Fine Arts - Request for Additional Land:

Mr. James Adam, President of the Marina Home Owners Protective Association, next appeared before the Board with a delegation from the Marina District, to enlist the support of the Park Commissioners in urging the purchase by the City of the last remaining vacant area adjoining the Palace of Fine Arts in order to prevent the erection of buildings which would obstruct the view of the Palace and its grounds.

They were informed that the budget requests for the ensuing period had already been compiled and sent in to the Controller, that there were no funds available at present for the development or maintenance of additional parks in that district, and that the Park Commission had committed itself to the purchase of lands in the Marina District to the extent of approximately $300,000.00.

After several of the delegates had spoken in behalf of the addition of this property to the Palace of Fine Arts, they were informed that the Board was in sympathy with the idea and would give it consideration but could give no formal approval at this time.

Barrett & Hilp Request for Use of Park Property:

President Fleishhacker then read a letter from Barrett & Hilp, contractors, requesting permission to use a 250 ft. strip of land under jurisdiction of the Park Commission which was needed for the handling of lumber in connection with their Sunnydale Housing Project, and also permission to use another piece about 100 ft. square for the erection of a temporary office and warehouse shed.

First Assistant Superintendent Girod was instructed to look at the property and make a report to Com. Lermen, Chairman of the Roads and Structures Committee for his recommendation.

Request for Installation of Telescopes:

A request from Mr. Richard C. Smith was then presented, asking permission to place viewing telescopes at various points of interest in the city parks, and was ordered held in abeyance for further study.

Claim of Angela Oettel:

A communication from the City Attorney's office was then presented requesting that their office be authorized to make a settlement in the amount of $100.00 in the case of Angela Oettel who was injured April 9,1939 on the Merry-Go-Round at the Fleishhacker Playfield. It was recommended by Com.Lermen, seconded and carried that the following resolution be adopted authorizing the City Attorney to make this settlement:

RESOLUTION NO.273

WHEREAS, ANGELA OETTEL, alleges that on the 9th day of April, 1939, while playing on a merry-go-round at Fleishhacker Playground she suffered certain personal injuries, alleging a defective and dangerous condition of said merry-go-round, and

WHEREAS, by reason of the happening of said accident said Angela Oettel suffered a severe laceration below the patella of the left knee, together with other bruises and contusions, and

WHEREAS, suit was filed through her guardian against the City and County of San Francisco in the sum of $10,000, and

WHEREAS, the City Attorney has agreed upon a settlement, subject to the approval of this Commission, of all claims for damages held by said Angela Oettel said sum being in the sum of One Hundred ($100) Dollars and the City Attorney advises this Commission that under all the circumstances, in his opinion, said sum of $100.00 is a reasonable sum to be paid in this case.

NOW, THEREFORE, BE IT RESOLVED, by this Commission that the City Attorney be and he is hereby authorized and directed to fully compromise and settle the claim for damages held by said Angela Oettel against the City and County of San Francisco for the sum of $100.00, and the Controller is hereby authorized and requested to draw his warrant in said sum in payment therefor.

Reinvestment Marx Bequest Funds:

There was next presented a communication from the City Treasurer notifying the Board that five $1,000.00 bonds of the City and County of San Francisco bearing interest at the rate of 4½% per annum, in what is known as the Marx Bequest Fund, became due and

payable March 1, 1940, and that the money is on deposit in an inactive account in the banks to draw interest at 1% per annum until reinvested. The matter was referred to Com. Budde with full power to act.

Request for mast of "Gjoa":

A letter from the Gjoa Foundation requesting a length of about ten feet from the mast of the Gjoa for the purpose of making miniature models for sale to their members, was next presented to the Board. A communication from Pillsbury and Curtis, Engineers, stating that the mainmast of this vessel was unfit for further use and would have to be replaced, was also brought to the attention of the Commissioners by First Assistant Superintendent Girod. After some discussion the matter was referred to Com. Lermen with full power to act.

Request for Concert - Filipino Federation Band:

A request to give a free public band concert in Golden Gate Park on Sunday, July 7, from the Musical Department of the Filipino Federation of America, Inc. was next discussed and referred to Com. Lermen for further study.

Model Yacht Club Request to Install Heating Unit:

First Assistant Superintendent Girod then outlined a request from the San Francisco Model Yacht Club that they be permitted to install a heating unit in the clubhouse in Golden Gate Park, the club to take care of all costs in connection with the installation, repairs, power, maintenance, etc.

On motion duly made by Com. Lermen, seconded and carried the Park Commission voted to permit this installation on the above terms, all work to be done under the supervision of Superintendent of Construction, Bart Rolph, and at no expense whatsoever to the Park Commission.

McLaren Park Land Purchase: Upon request of the Director of Property, the Board then approved the purchase of the following property for McLaren Park development:

Block No.	Lot No.	Amount
6266	12	$2,010.00
6261	2 and 3	469.80
6182	5 and 6	200.00

Bicycle Trails in G.G.Park: A brief discussion then ensued relative to the establishing of bicycle trails in Golden Gate Park, and it was the consensus of opinion that the idea was impracticable. The matter was ordered held in abeyance.

Great Highway Repairs: The Acting Secretary next read a letter from the Director of the Department of Public Works, in response to an inquiry as to their plans for repairing damage caused by recent storms, wherein it was stated that funds had been requested for repairing this damage to the Great Highway; that with reference to the possibility of permanent improvements, sketches and plans were being prepared with the object in view of carrying the work through to completion if and when funds became available.

Fred D.Parr Request to Lease Land: A communication was then presented from Mr. Fred D. Parr offering to lease for $20.00 a month a plot of land located between Sunset Blvd. and Sloat Skyline connection near the Fleishhacker Pool, with the privilege of removing shacks and building new barn and fence. First Assistant Superintendent Julius Girod was asked to make a report on the matter, and it was ordered referred to Com.Budde with full power to act.

Report on Accident to Cashier's Car: First Assistant Superintendent Girod brought to the attention of the Commissioners a report on the

accident to the Chevrolet car belonging to the Park Commission, being used by the Cashier, on Sunday, March 3,1940, at the intersection of 46th Avenue and Ortega Street, the police having placed entire blame on Mr. George Graham, driver of the other car, Mr. Girod stated that steps were being taken to collect damages from Mr. Graham.

Elephant Trains in G.G.Park: The proposal for the operation of Elephant Trains in Golden Gate Park was discussed at some length and the Commissioners voiced their approval of the idea provided satisfactory arrangements could be made as to charges, fares, etc. Com. Budde was asked to confer further with Mr. Ray Williamson as to rates and percentages to be charged, and to submit details to the City Attorney for approval.

Mt. Davidson Park - Proposed Land Purchase: Mr. Berendsen then appeared before the Board in connection with a recent request which had been made by a delegation of property owners in the vicinity of Mt. Davidson Park, urging the purchase for park purposes of approximately eleven acres of unimproved land adjoining this park. He stated his group were convinced this acreage could be purchased for as little as $7,500.00 and asking that the amount be included in the Park Commission budget. He was informed that the budget had already been sent in for the 1940-41 period, but that if he would send the Secretary a letter outlining his request the matter would be referred to Com.Budde, Chairman of the Finance Committee for consideration.

Parks Employees Union - Requests: Mr. Andrew J. Gallagher, negotiator for the San Francisco Municipal Parks Employees Union next presented several requests pertaining to time and one-half wages for overtime, reclassification of men doing tree-topping work, and the reimbursement for damages to private car driven by one of the park employees when called on an emergency job.

After some discussion the First Assistant Superintendent, Julius Girod, was requested to make a further study and report to Com. Budde relative to overtime and reimbursement for damages.

Reports: The following reports, copies of which had been sent to each of the Commissioners, were ordered filed:

Construction Report submitted by Construction Superintendent Bart Rolph, setting forth work in progress during January and February and list of work programmed for March.

Parks and Squares Report, dated March 14, 1940, submitted by John Feuerstein.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:40 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
March 28, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, California, on Thursday, March 28, 1940, at 4:00 P.M.

There were present:

President Herbert Fleishhacker
Commissioner J.J. Lermen
Commissioner Henry F. Budde
Commissioner George H. Sandy

Absent: Commissioner Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were duly adopted as the minutes of the regular meeting of March 14, 1940.

Resolution Yacht Harbor Land Purchase Agreement: The following resolution of the Board of Supervisors was then ordered incorporated in the minutes of this meeting:

"YACHT HARBOR - LAND PURCHASE AGREEMENT

RESOLUTION NO. 868
(Series of 1939)

"RESOLVED, In accordance with the recommendation of the Park Department that the City and County of San Francisco, a municipal Corporation, enter into a written agreement with EMMELINE L. BATES for the right and privilege of using and purchasing the following described real property situated in the City and County of San Francisco, State of California:

" All of Blocks 411 and 422, as per the current Assessor's Block Books of the City and County of San Francisco.

" Said right to purchase said property and to use the same for municipal purposes prior to the acquisition thereof shall be upon the terms and conditions set forth in the written offer dated February 17, 1940, from Emmeline L. Bates and this day presented to this Board for its approval. A copy of said offer is attached to the original of this resolution on file in the office of the Clerk of the Board of Supervisors. It is understood that the City and County of San Francisco

may purchase the above described land for the sum of $134,707.00, according to the terms and conditions of said offer.

"BE IT FURTHER RESOLVED, That said offer be and is hereby accepted. The Mayor and the Clerk of the Board of Supervisors are hereby authorized and directed to execute the necessary agreement on behalf of the City and County of San Francisco, a municipal corporation, for the right and privilege of using and purchasing said property subject to the terms and conditions of said offer.

"BE IT FURTHER RESOLVED, that the sum of $5,000.00 be paid to Emmeline L. Bates from Appropriation No. 912.600.04 for the following described portion of said Block 422:

"PARCEL 1: COMMENCING at the southwest corner of said Block 422, running thence northerly along the easterly line of Buchanan Street 36.125 feet; thence at a right angle easterly 280 feet; thence at a right angle southerly 36.125 feet; thence at a right angle westerly 280 feet to the point of commencement.

"Nothing contained in this resolution or in said agreement shall be construed to obligate the City and County of San Francisco to complete the purchase of any of said lands except said Parcel 1.

"Adopted--Board of Supervisors, San Francisco, March 11,1940.

"Ayes: Supervisors Brown,Colman,McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk

"Approved,San Francisco, March 13,1940.

ANGELO J. ROSSI
Mayor "

Suggested addition to McLaren Park:

A communication from Mr. A. D. Wilder the Director of the Department of Public Works was then presented, suggesting the closing of LaGrande Avenue between Persia Avenue and Dublin Street, and making it a part of McLaren Park. First Assistant Superintendent Girod stated that he considered it would be a good addition to the park and recommended that steps be taken to acquire same. Commissioners Budde and Lermen expressed a desire to see the property

and the matter was referred to them with full power to act.

Resolution No.272 Fund Transfers: The following resolution was adopted by the Board:

RESOLUTION NO.272

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-101-01 Salaries General Division	912-214-01 Refinish "Pioneer Mother"	$225.00
912-200-02 Contractual Services - Revenue Div.	912-300-02 Services, Other Depts. Rev.Div.	150.00
912-300-01 Fixed Charges General Division	912-304-00 Awards, Damages,etc.	150.08
912-103-01 Wages General Division	912-103-51 Wages, Sick Leave,Gen.Div.	3000.00

ALLOTMENTS

912-600-02 Lafayette Park Land	$3,666.66

Request for Telescopes in Parks: There was next presented a communication from Mr. Robert Wright, requesting permission to place a portable telescope in Pioneer Park; also a request from Mr. Richard C. Smith to place viewing telescopes at various points of interest in the parks and offering to pay to the city one-third of the gross proceeds for the privilege.

It was pointed out that in 1937 similar requests had been denied inasmuch as the operation of coin operated binoculars or telescopes by private individuals was a violation of Section 41 of the Charter. Both requests were therefore denied.

Aquatic Park Gordon Lease:

President Fleishhacker thereupon read a letter from the City Attorney, Mr. John J. O'Toole, in which was enclosed a form of a resolution referring to the lease between the Commission and the Messrs. Gordon of a portion of the building at Aquatic Park. The resolution was as follows, to-wit:

Resolution No.275:

RESOLUTION NO. 275

BE IT RESOLVED that a Notice to pay rent or quit and election of Lessor to declare forfeiture of that certain lease made and entered into on or about the 21st day of September,1938, between the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, named in said lease as the Lessor, and LEO GORDON and KENNETH GORDON, jointly and severally, individually and as co-partners, named in said lease as the Lessee, and respecting the premises situated in the Aquatic Park Building, located in the City and County of San Francisco, State of California, and more particularly described in said lease, be sent to said Lessee, and each of them, pursuant to the terms of said lease, making demand upon said Lessee, and each of them, for the sum of Fourteen Thousand ($14,000.00) Dollars, being the amount now due and owing from said Lessee to said Lessor covering the period from the first day of February, 1939, to the first day of April, 1940; and

BE IT FURTHER RESOLVED that the Notice herein referred to be signed by the President and Secretary, respectively, of said Board of Park Commissioners; and

IT IS FURTHER RESOLVED that the City Attorney of the City and County of San Francisco be directed to take all steps required and necessary to the serving of said Notice and all other actions and proceedings

as may be required for the collection of said rent due, owing and unpaid or for the restoration of the premises in accordance with law.

(Signed) HERBERT FLEISHHACKER
Commissioner
J. J. LERMEN
Commissioner
HENRY F. DULLE
Commissioner
PARKER S. MADDUX
Commissioner
GEORGE H. SANDY
Commissioner

G. J. LEMARES
Acting Secretary

Dated March 28,1940

Mr. Lermen thereupon duly moved the adoption of the resolution. The motion was unanimously carried and the resolution was declared adopted.

Mr. Lermen thereupon moved that a copy of said resolution be signed by each member of the Board of Park Commissioners and the Acting Secretary and forwarded to the City Attorney, in accordance with his request.

President Fleishhacker thereupon presented a form of notice prepared by the City Attorney to be given to the said Gordons, in accordance with the above resolution. Said notice was as follows, to-wit:

"NOTICE TO PAY RENT OR QUIT and
ELECTION OF LESSOR TO DECLARE FORFEITURE OF LEASE

TO LEO GORDON and KENNETH GORDON, jointly and severally, individually and as co-partners:

YOU, AND EACH OF YOU, ARE HEREBY REQUIRED to pay the rent of the premises hereinafter described which you now hold possessed of under that certain lease dated on or about September 21,1938, amounting to the sum of fourteen thousand ($14,000.00) dollars, being

the amount due and owing to the undersigned for rent from the first day of February, 1939, to the first day of April, 1940, or deliver up possession of the said premises to the undersigned for the rent due and unpaid from you, and each of you.

YOU ARE FURTHER NOTIFIED that unless said rent is paid within ten (10) days after service of this notice upon you, pursuant to the terms of said lease, the lessor hereby elects to declare a forfeiture of said lease.

The said premises is located in the Aquatic Park Building situated in the City and County of San Francisco, State of California, and being more particularly described as follows:

ON THE FIRST FLOOR:

Grand Concession (designated as Room #F 1)
Storage space in the rear of the Grand Concession (designated as Room #F.10)
Additional Concession spaces designated as #1 and #2

SECOND FLOOR:

Restaurant (designated as Room #S.8)
Lobby and entrance to Restaurant
Kitchen (designated as Room #S.7)

THIRD FLOOR:

Main Gallery or Banquet Room, together with the space designated as Room #T.1, and the pantry east of said space.

FOURTH FLOOR:

The entire space designated as the Concession space.

COMFORT STATION #1 located at the intersection of Van Ness Avenue and the railroad which runs to Fort Mason. Space designated as the Concession space.

COMFORT STATION #2 located at the end of the Municipal Pleasure Pier. Space designated as Concession space.

DATED: This_____day of March, 1940.

"BOARD OF PARK COMMISSIONERS OF
THE CITY AND COUNTY OF SAN FRANCISCO

By _____
President

By _____
Secretary

BOARD OF SUPERVISORS OF THE
CITY AND COUNTY OF SAN FRANCISCO

By _____
Clerk

LESSOR "

Commissioner Lermen moved, duly seconded, that the President and Acting Secretary of the Board be directed to sign the said notice on behalf of the Park Commission and transmit the same to the City Attorney in accordance with his request. The motion was unanimously carried and so ordered.

Request for Bleachers at "Big Rec" G.G. Park:

A request from Mr. W. E. Burns that bleachers be erected to accommodate 1000 persons at the baseball area known as "Big Rec" in Golden Gate Park was presented, and the Acting Secretary instructed to notify the interested parties that the matter could not be given consideration at this time due to lack of funds.

Request for Floral Display Conservatory:

There was then presented a letter from the San Francisco Society for the Prevention of Cruelty to Animals, asking that the Park Commission install a floral display in front of the Conservatory for BE KIND TO ANIMALS WEEK, April 14 to 20, 1940. Inasmuch as other similar requests had had to be turned down because of the lack of funds, the display was regretfully denied.

Roads and Signs: A discussion then ensued relative to a communication from the Chief of Police regarding a "Proposed One-Way Drive across Golden Gate Park", and also suggesting the rounding off of a dangerous point at the junction of Park-Presidio By Pass Drive and Cross-over Drive and the installation of signs.

First Assistant Superintendent Girod was instructed to start work at once in connection with the rounding off of the point at Park Presidio Drive and the Commissioners made a tentative engagement for the following Saturday to go over the site and give it further study.

Great Highway Traffic Conditions: President Fleishhacker then read a letter from the Chief of Police, dated March 25, regarding traffic conditions on the Great Highway. The Acting Secretary was instructed to write a letter to Chief of Police Dullea and inform him that the matter would be taken up with him promptly.

Women's Shower Palace of Fine Arts Tennis Courts: A communication from the Golden Gate Women's Tennis Club was then discussed relative to a request for the installation of a shower for women at the Palace of Fine Arts Tennis Courts. First Assistant Superintendent Girod stated he believed the cost for a ladies' dressing room and a shower would not exceed $200.00, approximately $100.00 of this amount for material and the balance labor.

It was moved by Commissioner Budde and seconded by Commissioner Sandy that the Superintendent of Construction, Bart Rolph be instructed to make this installation.

Moving of Rosebush to G.G.Park: The matter of the moving of a very old rosebush planted in the Kimball plot in the Lone Mountain Cemetery in 1857, to Golden Gate Park was then considered by the Commissioners and the consensus of opinion was favorable; however it was pointed out that the rosebush could not be moved until three months had expired from the time of the removal of the bodies, and that it would undoubtedly be nearly a year before any such transfer could be made.

Request for Lease of Land near Fleishhacker Pool: F.D. Parr: Commissioner Budde next reported that upon investigation of the original lease between the City and County of San Francisco and the Spring Valley Company, Ltd., paragraph 4 thereof reads as follows:

> "PURPOSE OF DEMISE: It is understood and agreed that this lease is and shall be upon the express condition that the said real property not already purchased by the City under the terms of this agreement shall be used during the term hereof, or during the term of any renewal hereof, for public park and playground purposes only, except such part or parts of said land as are now being used for agricultural purposes."

Commissioner Budde explained that he had informed Mr. Parr of these restrictions and that his request had accordingly been denied.

Land's End Closing: The dangerous condition of the trails and paths along Land's End was brought to the attention of the Commissioners by First Assistant Superintendent Julius Girod. The Board authorized him to close these trails and have posted the necessary warning signs.

"Annie Laurie" Memorial: First Assistant Superintendent Girod then presented the sketch and samples of proposed materials to be used in connection with the bench in

memory of "Annie Laurie" which the North Beach Promotion Association wished to have placed at Pioneer Park on the North side of Telegraph Hill.

On motion duly made by Commissioner Lermen, seconded and carried, the Board approved this request with the understanding that all expenses in connection therewith be borne by the Association.

Report on Beach Chalet: Construction Superintendent, Bart Rolph, next stated he had that day made a survey of the entire foundation of the Beach Chalet. Copies of his report were ordered sent to each of the Commissioners and the Acting Secretary was instructed to send a copy to the Controller.

Barrett & Hilp Request for use of Park Property: Commissioner Lermen then reported that he and Mr. Girod had gone over the property near McLaren Park which Barrett & Hilp desired to use temporarily in connection with the Sunnydale Housing Project, and had agreed that they might have the use of that land until February of next year, provided Mr. Barrett would write a letter to this Commission setting forth the various stipulations agreed upon. Copies of this letter were subsequently received and sent to each of the Commissioners.

On motion duly made, seconded and carried, the Board granted the request in accordance with the letter dated March 18 from Barrett & Hilp, incorporated herewith:

"

BARRETT & HILP
Contractors
918 Harrison St.
San Francisco

March 18, 1940

"The Honorable Board of
Park Commissioners
San Francisco, Calif.

Attention: Mr. Lermen

"Dear Mr. Lermen:

We outlined briefly, in a letter dated March 14th to the Park Commission, our desires to occupy certain property belonging to the City, lying between the northerly boundary line of the Sunnydale Housing Project and Visitation Ave. We then pointed out the area definitely to you and Mr. Girod today.

"We propose to use the vacant land as described for the storing of lumber and also for the making of panel forms for our concrete work. In the making of panel forms work tables will be constructed and saw tables installed over portions of the areas as pointed out to you. These, however, will be of a temporary nature.

"We also intend erecting a temporary office, both for ourselves and the Housing Authority, as well as material sheds. These temporary buildings will be constructed in an area lying between the northerly boundary line of Sunnydale and the present temporary road that is situated through the center of the City property.

"We desire to occupy this land for the next fourteen months which is the time limit for our contract with the Housing Authority and hereby agree to leave all portions of the property in the same condition as at present upon the completion of our contract. If anything should develop during that period that would cause the City to require that we vacate the property, we hereby agree to do so.

"Thanking you for your consideration,

Very truly yours,

J.F.BARRETT "

Tennis Courts Fleishhacker Playfield:

President Fleishhacker next mentioned the matter of the tennis courts at the Fleishhacker Playfield and asked Construction Superintendent Bart Rolph to give his opinion of the cost to put these in condition. Mr. Rolph stated that approximately $1,000.00 would be the cost of putting them in condition to use, but that to do a proper rebuilding of the courts would involve an expenditure of approximately $2500.00. Commissioner Budde stated there were no funds in the present budget for this work but it was suggested that an effort might be made to have it

included in a Works Projects Administration project.

Concert - Filipino Band: Commissioner Lermen then reported that the matter of a free concert to be given in Golden Gate Park by the Filipino Band had been arranged with Mr. Arriola of the Golden Gate Park Band, as to a time for the concert, but that it would have to be taken up further with the Union before a definite answer could be given. He further stated he had requested Mr. Arriola to take the matter up with the Musicians' Union.

Resolution No.276 - "Gjoa" Mast: The following resolution was then adopted by the Board:

RESOLUTION NO.276

WHEREAS, in the rehabilitation of the vessel "Gjoa" it is necessary that the old mast must be replaced with a new mast because of the deterioration in the wood of the old mast, and said old mast is now of no value;

AND WHEREAS, the "GJOA FOUNDATION" has requested that the old mast be turned over to it, out of which souvenirs might be made,

NOW, THEREFORE, BE IT RESOLVED: That the old mast of the said vessel, being of no value, be turned to the said "GJOA FOUNDATION", in accordance with its request.

Elephant Train Proposal: Mr. Ray Williamson again appeared before the Commission relative to a request for the operation of Elephant Trains in Golden Gate Park. The Board ordered that the matter be turned over to Commissioners Lermen and Budde to act with reference to referring it to the City Attorney for an opinion.

Letters of Commendation:

A letter from Mr. L.O.Colbert, Director of the Department of Commerce, U.S.Coast and Geodetic Survey was then brought to the attention of the Board and ordered filed, in which was expressed appreciation for the splendid housing facilities for their Seismological Field Survey instruments and especially commending Construction Superintendent Bart Rolph for his splendid cooperation in constructional details.

The Board then ordered filed a letter from Mr. Roy L. Moser, electrical contractor, commending the work recently having been done in Columbia Square and the capabilities of the man doing the work.

Aquatic Park-State Harbor Commission - Belt Line Accident Claim:

A request from the State Board of Harbor Commissioners for payment of claim in the amount of $103.25 due to an accident at Aquatic Park to the State Belt Line R.R. on November 6, 1937.

The matter was held in abeyance for further study.

Resolution No.274: Payment to Market St.Ry.

The following resolution was then adopted:

RESOLUTION NO. 274

RESOLVED unanimously by the Board of Park Commissioners that the claim of the Market Street Railway Company in the amount of $50.08 covering damage to their property caused by felling of a tree on Oak Street near Masonic Avenue, December 11, 1939, be ordered paid.

Working Schedule:

First Assistant Superintendent Girod then reported that he had met with Mr. Harry Ross and had been informed that $17,000.00 of last yearb budget and $14,000.00 of additional funds for

Aquatic Park could be made available for salaries but that all per diem employees must be reduced to 250 working days.

The Board authorized First Assistant Superintendent Girod and Commissioner Budde to proceed with the necessary working schedules.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:50 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
April 11, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, April 11, 1940, at 4:00 P.M.

There were present:

Pres.	Herbert Fleishhacker
Com.	Henry F. Budde
Com.	J. J. Lermen
Com.	George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which were sent to each Commissioner, were duly adopted as the minutes of the regular meeting of March 28, 1940.

McLaren Park Land Purchases: Upon the request of the Director of Property, the Board then approved the purchase of the following property for McLaren Park development:

Lots 2 and 3	Block 6285	$1,376.00
" 9	" 6060	700.00
Lot 4	Block 6265	$320.00

Supervisors' Resolutions McLaren Park: The following resolutions passed by the Board of Supervisors were then ordered incorporated in the minutes of this meeting:

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 888
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept deeds from the following named parties, or the legal owners, to certain land situated in the City and County of San Francisco, State of California, required for the proposed McLaren Park, and that the sums set forth below be paid for said property from Appropriation No. 912-600-03.

"MARIAN A. S. MORGAN $250.00
Lot 10, Assessor's Block 6067

G. L. McAULIFFE $175.00
Lot 21, Assessor's Block 6242

"The City Attorney shall examine and approve the title to said property.

"Approved by the Director of Property.

"Adopted-- Board of Supervisors, San Francisco, March 18, 1940.

"Ayes: Supervisors Brown, Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"Absent: Supervisor McGowan.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk

"Approved, San Francisco, March 19, 1940.

ANGELO J. ROSSI
Mayor"

"LAND PURCHASE - PROPOSED McLAREN PARK

RESOLUTION NO. 889

(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept deeds from the following named parties, or the legal owners, to certain land situated in the City and County of San Francisco, State of California, required for the proposed McLaren Park, and that the sums set forth below be paid for said property from Appropriation No. 912-600-03.

D. J. TALLANT and HELEN AUSTIN Lot 1 Assessor's Block 6029	$500.00
SAMUEL TASHJIAN, et ux., Lots 46 and 47, Assessor's Block 6241	350.00
FRANK A. URMSON Lots, 1,2,3,4,5,6,7 and 8 Assessor's Block 5997	6,000.00
ESTATE OF CHAS. E. TALLMADGE Deceased - Lot 8 Assessor's Block 6061	1,110.00
MAY F. LANG and ALINE M. LANG Lot 2, Assessor's Block 6061	700.00
EDWARD W. STEHLIN, et ux., Lot 4, Assessor's Block 5999	600.00
LILLIAN M. HUGHES Lot 4D, Assessor's Block 6027	125.00
CHAS. F. FLECKENSTEIN Lots 36, 37 and 38 Assessor's Block 6186	300.00
RALPH W. ARMITAGE Lot 8, Assessor's Block 6067	125.00
VICTORIA A. ARMITAGE Lot 9, Assessor's Block 6067	125.00

"HAROLD E. PRESTON, et ux.,
Lot 5A, Assessor's Block 6027
and Lot 6, Assessor's Block 6137 260.00
JOHN BAUER
Lot 44, Assessor's Block 6213 75.00
FRED G. LUCAS
Lot 3, Assessor's Block 6134 400.00
HENRY F. GRADY, et al.
Lot 3, Assessor's Block 6145
and Lot 2, Assessor's Block 6104 800.00

"The City Attorney shall examine and approve the title to said property.
"Approved by the Director of Property.
"Adopted--Board of Supervisors, San Francisco, March 18,1940.
"Ayes: Supervisors Brown, Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.
"Absent: Supervisor McGowan.
"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk

"Approved, San Francisco, March 19,1940.
ANGELO J. ROSSI
Mayor"

LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 890
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept deeds from the following named parties, or the legal owners, to certain land situated in the City and County of San Francisco, State of California, required for the proposed McLaren Park, and that the sums set forth below be paid for said property from Appropriation No.912-600-03.

AGNES D. DENNY $2,250.00
Lot 10, Assessor's Block 6316
DOROTHY WOLL 500.00
Lot 5, Assessor's Block 6112

"The City Attorney shall examine and approve the title to said property.
"Approved by the Director of Property.
"Adopted--Board of Supervisors, San Francisco, March 18,1940.
"Ayes: Supervisors Brown, Colman, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.
"Absent: Supervisor McGowan
"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk

"Approved, San Francisco, March 19,1940.
ANGELO J. ROSSI,
Mayor"

"RESOLUTION NO. 928
(Series of 1939)
LAND PURCHASE - McLAREN PARK

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from SHERMAN M. TRYON, et al., or the legal owners, to Lots 5 and 6, Assessor's Block 6182, San Francisco, required for the proposed McLaren Park, and that the amount of $200.00 be paid for said land from Appropriation No. 912.600.03. The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, April 1, 1940.
"Ayes: Supervisors Brown, Colman, McGowan, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.
"Absent: Supervisor McSheehy.
"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

JOHN R. McGRATH
Chief Assistant Clerk

"Approved, San Francisco, April 3, 1940.
ANGELO J. ROSSI,
Mayor."

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 929
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from JULIETTE KAPP, or the legal owner, to Lots 2 and 3, Assessor's Block 6261, San Francisco, required for the proposed McLaren Park, and that the amount of $469.80 be paid for said land from Appropriation No.912.600.03. The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, April 1, 1940.
"Ayes: Supervisors Brown, Colman, McGowan, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.
"Absent: Supervisor McSheehy.
"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

JOHN R. McGRATH
Chief Assistant Clerk

"Approved, San Francisco, April 3, 1940.
ANGELO J. ROSSI
Mayor."

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 930
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from JOSEPH T. DURKIN, JR., et al., or the legal owners, to Lot 12, Assessor's Block 6266, San Francisco, required for the proposed McLaren Park, and that the amount of $2,010.00 be paid for said land from Appropriation No. 912.600.03.

"The City Attorney shall examine and approve the title to said property.

"IT IS UNDERSTOOD AND AGREED that out of the above sum of $2,010.00, $1,810.00 is to be paid to the above mentioned owners as their several interests may show. The balance of $200.00 is to be held by the California Pacific Title & Trust Company to pay for the necessary expenses incidental to the clearing of the title.

"Adopted-- Board of Supervisors, San Francisco, April 1, 1940.

"Ayes: Supervisors Brown, Colman, McGowan, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"Absent: Supervisor McSheehy.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

JOHN R. McGRATH
Chief Assistant Clerk

"Approved, San Francisco, April 3, 1940.
ANGELO J. ROSSI
Mayor."

GJOA Bid Contract No. 2:

The bid of the J. L. STUART CO. for the "Stripping down, Trussing and Preserving of the Gjoa", in the amount of $6,840.00 was then presented as the only bid received. Commissioner Lermen moved that action on this bid be postponed until the next meeting of the Commission, and that Mr. Stuart be called upon to give the details upon which the bid was based. The motion was seconded and unanimously carried, and Construction Superintendent Bart Rolph was instructed to meet with Mr. Stuart to go over the details.

Lincoln Park Trees Ordered Removed:

President Fleishhacker then read a letter from Dr. Ralph Arthur Reynolds, requesting the removal of a row of trees on park property bordering along the Burke School tennis courts and playground at the end of and near Thirty-Second Avenue, the roots of which were breaking up the surface of the tennis courts. First Assistant Superintendent Girod reported that the trees referred to were a positive menace to any person using the tennis courts and that all of the trees should be removed as dangerous to human lives. The Commissioners instructed First Assistant Superintendent Girod to remove these trees without delay.

McLaren Park Improvements Requested:

Mr. Wm. Varley, President of the Southern Council of Civic Clubs, with a delegation from the McLaren Park Boys' Club, presented a petition requesting additional recreational facilities for small children and urging that certain property be acquired in contiguous blocks for proper development of the Park. President Fleishhacker informed them that the budget had already been sent in for the coming year and that funds were very limited, that the Commissioners were in favor of acquiring the property in contiguous parcels to lots already purchased and would continue to follow this policy, and First Assistant Superintendent Girod was instructed to provide a plan for a Children's Playground and see if anything could be done with what funds were available at present.

Resolution No. 277 Marx Bequest Funds:

The following resolution was then adopted by the Board:

RESOLUTION NO. 277

RESOLVED unanimously by the Board of Park Commissioners that the City Treasurer be authorized to deposit the sum of $5,000.00 received from five $1,000.00 called bonds of the City and County

of San Francisco, held in the Marx Bequest Fund, in an inactive account in the San Francisco banks to draw interest at the rate of 1% until such time as the Board of Park Commissioners are ready to authorize the reinvestment of the funds.

Resolution No.278 - Allotment:

The following resolution was then adopted by the Board:

RESOLUTION NO. 278

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Allotment:

912-600-03 McLaren Park Land $4,000.00

Resolution No. 279 - Delinquent Accounts:

Mr. J. R. Hickey then requested that the Board authorize the writing off of certain delinquent accounts, and the following resolution was adopted by the Board:

RESOLUTION NO. 279

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be instructed to take the necessary steps to obtain the approval of the Controller and the Director of the Bureau of Delinquent Revenue to abandon the following Accounts Receivable:

St. Mary's College	$13.20	Season of 1932
Japanese American Union	10.00	February 1933
Elks Football Game	396.07	November 1932
Rossi Florists	50.00	February 1933
Royce Sport Shop	5.43	January 1937
George Coffey, Golf Pro	50.00	Sept. & Oct/1934
Scottish American Legion	25.00	June 1933

Resolution No. 280 - Space Rental Lincoln Park:

On recommendation of Mr. J. R. Hickey, the following resolution was then adopted:

RESOLUTION NO. 280

RESOLVED unanimously by the Board of Park Commissioners that, effective May 1, 1940, the

space now used by the professional golf instructor at Lincoln Park be charged for at the rate of $25.00 a month.

Service Order John Punnett:

The Acting Secretary next brought to the attention of the Commission the refusal of the City Controller to grant the Service Order of $500.00 awarded to John Punnett by the Board of Park Commissioners Resolution No. 271, inasmuch as a former Service Order for $935.00 recently paid brought the total to more than $1,000.00 and was in violation of Section 95 of the Charter. The matter was referred to Mr. Joseph R. Hickey for a report.

Yacht Harbor Request for Berths for Sea Scouts:

Mr. McKeon, representing the Sea Scouts of the Boy Scouts of America, then requested certain reservations for their use at the newly acquired portion of Yacht Harbor known as "Gas House Cove". Mr. McKeon was asked to go into the details of the matter with Mr. Joseph Hickey who would then make the necessary recommendations.

Coroner's Verdict on Case of Marion Srok, Drowned in Stow Lake:

The verdict of the Coroner's jury was next presented, in the case of Marion Srok who was pronounced dead as the result of asphyxia from submersion in Stow Lake Reservoir on March 19th. The Coroner's report recommended the placing of barbed wire on top of the fence around the reservoir as a more adequate protection. The Commissioners expressed themselves very definitely against this as the barbed wire was considered too dangerous, but it was suggested that perhaps the top of the fence might be reinforced by additional height inclined outward.

Union Square Garage:

Messrs. Frank Y. McLaughlin, Florence McAuliffe, Timothy Pfleuger and Richard Guggenheim, representing the Union Square Garage Project, next appeared before the Board. Mr. Guggenheim, representing the corporation, outlined briefly the plan to the Commission and requested that they proceed without delay with the advertising for bids. After a lengthy discussion in which the members of the Board called to the attention of the Park Commissioners the fact that several expenditures for advertising purposes, engineering fees, etc. would have to be made and that no funds were available for such purposes, President Fleishhacker requested that a letter be written from the Union Square Garage Corporation clarifying the entire plan and assuring the Board of Park Commissioners that they would have the necessary financial assistance from the Reconstruction Finance Corporation and public subscription, and have available the necessary funds for the above mentioned expenditures. Mr. McAuliffe assured the Commission that the letter would be forthcoming within the next few days and further explained that the plan for handling the traffic had been approved by experts, copies of which report had been made available to the Commission.

Commissioner Budde objected to the present method of ingress and egress as shown on the plans. It was decided that Mr. Timothy Pflueger, architect for the Union Square Garage Corporation would consult with Commissioner Budde on this matter. President Fleishhacker informed the representatives of the corporation that the Board would give further study to the plan and take action as soon as possible.

Requested Repairs to Roadways:

A petition from the City and County Federation of Women's Clubs requesting repairs to roadways adjacent to the California Palace of the Legion of Honor was presented, and it was stated that an appropriation had been included in the budget for this purpose and that the matter would be taken care of as soon as the funds were obtainable.

Request to Photograph Equipment-Windmills:

Permission was then granted by the Board to the Pacific Gear and Tool Works, Inc. to take photographs of certain equipment in the Dutch Windmills in Golden Gate Park for the purpose of publication in certain of the West Coast Trade Publications.

Angling & Casting Club Insurance:

A discussion then ensued relative to a reduction in the amount of coverage for fire insurance required in the Agreement with the Angling and Casting Club. It was suggested that Superintendent of Construction, Bart Rolph, make a report upon the valuation of the building to ascertain whether or not it was in excess of $3500.00. If in excess of this amount, the matter was to be taken up with the insurance company, and if not, the Commissioners agreed the amount should be reduced accordingly rather than to insist upon the full $5,000.00 as set forth in the Agreement. The matter was referred to Commissioner Lermen with full power to act.

San Andreas Pump Plant Sharp Park:

A discussion next ensued relative to a letter dated April 3,1940 from the Manager of Utilities, Mr. E. G. Cahill. Commissioner Lermen suggested that the letter should be examined by Construction Superintendent Ba rt Rolph to be analized first for technical details before the legal phase was discussed. The matter was left with President Fleishhacker who was to consult further with Messrs. Rolph, Hickey, Lermen and Sandy.

Lighting G.G.Park - Opinion of City Attorney re bids:

The following communication from the City Attorney was then discussed and ordered incorporated in the minutes of this meeting:

"Opinion of City Attorney

"SUBJECT: Procedure to be Followed in Awarding Contract for Modernization of Lighting Facilities in Golden Gate Park.

"Gentlemen:

"This office is in receipt of your request for an opinion, as follows:

REQUEST

"'At a postponed meeting of the Board of Park Commissioners held February 29, 1940, the matter of the modernization of the lighting facilities in Golden Gate Park was discussed at some length, and inasmuch as the Pacific Gas & Electric Company was the only concern in the city who could perform the proposed work, the Secretary was instructed to enlist the aid of the City Attorney in drawing up a resolution requesting the Board of Supervisors to waive the required procedure in this instance in calling for competitive bids and permitting the award of this contract to the Pacific Gas & Electric Company at an estimated cost not to exceed $125,000.00.'"

OPINION

"In view of the law concerning this subject matter I shall consider the foregoing to be a request for an opinion.

"Section 95 of the Charter of the City and County of San Francisco provides that when the expenditures for any public work or improvement exceeds $1,000.00, it shall be done by contract and after competitive bidding.

"McQUILLIN'S MUNICIPAL CORPORATION, 2nd Ed. Vol. 3, page 859, uses the following language:

" 'Requirement for competitive bidding as mandatory. The requirement of competitive bidding in the letting of municipal contracts is uniformly construed as mandatory and jurisdictional and non-observance will render the contract void and unenforcible. Under such restriction a fair opportunity must be given for free competition. No scheme or device, promotive of favoritism or unfairness or which imposes limitations, not applicable to all bidders alike, will be tolerated.

* * * * * *

" ' and where there is a statue or charter provision exacting competitive bidding, the municipality cannot provide by ordinance that, for a certain kind of work, the contractor shall be paid a fixed price without reference to any proposals or bidding.' "

"See also:

ARTHUR v. PETALUMA, 27 Cal. App. 782;
CLINTON CONST. CO. v. CLAY, 34 Cal. App. 625;
CITY IMPROV. CO. v. BRODERICK, 125 Cal. 139.

"The case of ZOTTMAN v. SAN FRANCISCO, 20 Cal. 96, is considered the leading case on this subject. The court made the following declaration on page 102:

"'The mode in which alone they could bind the corporation by a contract for the improvement of city property was prescribed by the charter, and no validity could be given by them to a contract made in any other manner. The rule is general and applies to the corporate authorities of all municipal bodies; where the mode in which their power on any given subject can be exercised is prescribed by their charter, the mode must be followed. The mode in such cases constitutes the measure of the power. Thus, where authority is conferred to sell property, with a clause that the sale shall be made at public auction, the mode prescribed is essential to the validity of the sale; indeed, there is no power to sell in any other way. Aside from the mode designated, there is a want of all power on the subject. This is too obvious to require argument, and so are all the adjudications. Thus, in Head v. The Providence Insurance Company, (2 Cranch, 156) Mr. Chief Justice Marshall, in speaking of bodies which have only a legal existence, says: 'The act of incorporation is to them an enabling act; it gives them all the power they possess; it enables them to contract, and when it prescribes to them a mode of contracting, they must observe the mode, or the instrument no more creates a contract than if the body had never been incorporated. (See McCracken v. The City of San Francisco, 16 Cal. 619; The Farmer's Loan and Trust Co. v. Carroll, 5 Barb. 649; The New York Fire Insurance Co. v. Ely, 5 Conn. 568.)' ".

"You are therefore advised that the contract which you mentioned in your request for an opinion must be awarded after competitive bidding, as required by Section 95 of the Charter.

Respectfully,

(Signed) JNO. J. O'TOOLE
City Attorney"

The Acting Secretary was instructed to proceed with the necessary steps to call for bids, and it was suggested by Commissioner Lermen that this call for bids be prepared in the City Attorney's Office.

Communication from Parks Employees Union re Lay-Off:

A letter dated April 11, 1940 from Mr. P.A. Conroy, Secretary of the San Francisco Municipal Parks Employees'Union protesting the present method of handling the lay-off of park employees was next presented. Representatives of the Union were informed that it was the desire of the Commission that First Assistant Superintendent Girod handle such matters, and the communication was ordered referred to Mr. Girod.

Construction Report:

The following reports were then presented to each of the Commissioners and ordered filed:

Construction Report - Work Completed during March and List of Work Programmed for April - Submitted by Bart Rolph.

Profit & Loss Statement:

Profit & Loss Statement for Eight Months Ending February 29, 1940.

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 5:15 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
April 16, 1940

Special Meeting:

A Special Meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Tuesday, April 16, 1940, at 4:15 P.M.

There were present

Pres. Herbert Fleishhacker
Com. J. J. Lermen
Com. Henry F. Budde
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Gordon Lease-Aquatic Park Settlement Discussed:

Mr. Sylvain Leipsic of the City Attorney's Office appeared before the Board and outlined a proposed settlement in connection with the Gordon Lease at Aquatic Park. He stated the City Attorney wanted the approval of the Park Commission on the settlement of past rentals in order that his office might proceed without delay in working out the details of a new lease. After some discussion it was agreed that the rental for the Aquatic Park concession from January to December, 1939, should be adjusted in the amount of $5,906.31.

Resolution No.283: Authorizing City Attorney in Gordon Adjustment:

The following resolution was then adopted:

RESOLUTION NO. 283

WHEREAS, The Board of Park Commissioners of the City and County of San Francisco, on or about the 21st day of September, 1938, made and executed a lease with Leo Gordon and Kenneth Gordon for certain premises situate in the Aquatic Park Building located in the City and County of San Francisco; and

WHEREAS, by reason of the ambiguity and uncertainty of the terms and conditions of said lease respecting the amount of rent to be paid by the said Leo and Kenneth Gordon for the occupancy of said premises in said Aquatic Park Building, and the terms and conditions to be fulfilled by the City and County of San Francisco, a settlement was deemed advisable; and

San Francisco, California
April 16, 1940

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Com.	J. J. Lermen
Com.	Henry F. Budde
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WHEREAS, by reason of the ambiguity and uncertainty of the terms and conditions of said lease respecting the amount of rent to be paid by the said Leo and Kenneth Gordon for the occupancy of said premises in said Aquatic Park Building, and the terms and conditions to be fulfilled by the City and County of San Francisco, a settlement was deemed advisable; and

WHEREAS, after conferences had between the City Attorney, Mr. Clyde Healy of the City Engineer's Office and Mr. Nat Schmulowitz, attorney for Leo and Kenneth Gordon, a tentative settlement was agreed upon and said tentative settlement was orally explained and commented upon in detail by Mr. Sylvain D. Leipsic, Deputy City Attorney, acting for and on behalf of John J. O'Toole, City Attorney,

NOW, THEREFORE, BE IT RESOLVED that the settlement for past rentals due from Leo and Kenneth Gordon be and the same is hereby approved by this Commission;

AND BE IT FURTHER RESOLVED that the existing lease between the City and County of San Francisco and Messrs. Leo and Kenneth Gordon be cancelled and that a new lease between said parties be prepared by the City Attorney and submitted to this Commission for its approval and ratification prior to its presentation to Messrs. Leo and Kenneth Gordon for their approval and ratification;

AND BE IT FURTHER RESOLVED that the City Attorney be, and he is hereby requested, directed and authorized to prepare for, and on behalf of this Commission, any and all other instruments necessary or required for the consummation of the settlement herein referred to and for the preparation of the new lease to be drafted as herein directed.

(Signed) Herbert Fleishhacker
President

Henry F. Budde
Commissioner

John J. Lermen
Commissioner

George H. Sandy
Commissioner

Jerry Linares
Acting Secretary

_____
Commissioner

Resolution No. 282
Payment to Bandleader:

At the request of the Acting Secretary, the following resolution was then adopted by the Board:

RESOLUTION NO. 282

RESOLVED unanimously by the Board of Park Commissioners that payment in the amount of $662.90 be made to G. Eugene Cook who substituted as leader of the Golden Gate Park Band for the following dates:

April 7, 1940	$327.60
April 14,1940	335.30
Total	$662.90

San Andreas Pumps - Sharp Park Water Supply:

Commissioner Budde then brought up the matter of the letter dated April 3,1940 from Mr. E.G.Cahill, Public Utilities Commission, relative to the San Andreas Pump contract and the Sharp Park Water Supply, as follows:

"PUBLIC UTILITIES COMMISSION
City and County of San Francisco

April 3, 1940

"Park Commission
City and County of San Francisco
Golden Gate Park
San Francisco, California

Gentlemen:

"As you have advised, your Commission has entered into a contract for increasing the capacity of the pump station located on Water Department property at our San Andreas reservoir outlet. Under these plans and contract, it is proposed to install two new pumps, each of 300 g.p.m. capacity which, with one of the old pumps to remain, will provide an installed capacity of 800 g.p.m. for this station as against 400 g.p.m. provided by the pumps now in place.

"It is my understanding that the purpose of this modification of the pump station is primarily to provide more economical and efficient pump operation and at the same time secure more adequate standby capacity and that it is not your intention at any time to operate more than two of these pump units simultaneously except in case of fire or similar emergency. Your Commission is now asking permission of the Public Utilities Commission to enter upon and utilize property of the Water Department to make the desired enlargement and modification of the pump station.

"This permission is hereby granted effective upon acceptance by the Park Commission of the following conditions:

1. that the installation shall be subject to the approval of the Chief Engineer of the San Francisco Water Department insofar as it may affect any of the structures or equipment of the San Francisco Water Department;

2. that no water will be taken by the Park

" Commission from the San Francisco Water Department through this pump station except such as is actually required for direct beneficial use in the irrigation of the Sharp's Park Golf Course and for the domestic supply for the Club House unless with the written consent of the Public Utilities Commission;

3. that the operation of the pump station will be limited to the simultaneous operation of two of the proposed pumping units when installed;

4. that the natural water supply tributary to the Park system, together with the effluent from the County Jail be conserved and utilized to its available extent and that the tanks, reservoirs and pipe lines and other appurtenances of its water supply system shall at all times be maintained in such condition as to avoid leakage and waste; the development and utilization of the local sources and the maintenance and operation of the system looking toward the conservation of water shall be to the satisfaction of the Chief Engineer of the San Francisco Water Department;

5. that with regard to the present practice of the Park Commission in supplying water from its system to the SRA Camp or others, either such service shall be discontinued forthwith, or the Park Commission shall compensate the Water Department for all water so furnished to said Camp or others at scheduled rates, in which case all water so delivered shall be measured by meters under the control of the San Francisco Water Department.

6. This is a revocable permit.

Very truly yours,

(Signed) E. G. CAHILL
Manager of Utilities"

After some discussion the following resolution was adopted by the Board of Park Commissioners:

Resolution No. 281

RESOLUTION NO. 281

RESOLVED unanimously by the Board of Park Commissioners that the terms and conditions as set forth by the Public Utilities Commission in their letter of April 3, 1940, be accepted.

It was then suggested by President Fleishhacker that in the first line of paragraph No.4 the word "Sharp" be

inserted before the word "Park" for the purpose of clarifying the location. On motion made by Commissioner Lermen, duly seconded and carried, the Acting Secretary was then instructed to write to Mr. Cahill requesting this change.

Resolution No. 281-A: Authorization to proceed on San Andreas Pump Contract:

The following resolution was then adopted by the Board:

RESOLUTION NO. 281-A

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be instructed to notify the Fred J. Early Company, contractors for the installation of the San Andreas Pump Plant to proceed at once according to the terms of the contract.

Meeting Adjourned:

There being no further business to come before the Board the meeting adjourned at 5:10 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
April 25,1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, April 25, 1940, at 4:00 P.M.

There were present

Pres. Herbert Fleishhacker
Com. J. J. Lermen
Com. Henry F. Budde
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved: The minutes of the regular meeting held April 11, 1940, and of the special meeting held April 16, 1940, copies of which had been sent to each of the Commissioners, were then duly adopted.

McLaren Park Land Purchase: Upon request of the Director of Property, the Board then approved the purchase of the following property for the McLaren Park Development:

Lots 5A and 5B, Assessor's Block 6138 $170.00

Resolution No. 284- Fund Transfer: The Board next adopted the following resolution:

RESOLUTION NO. 284

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Departmental Intra-Fund Transfer:

From Appropriation	To Appropriation	
No.912-103-02 Wages- Revenue Division	No.912-103-52 Wages- Sick Leave	$1,500.00

The following resolution was then adopted by the Board:

Resolution No. 285 - Payment to Bandleader:

RESOLUTION NO.285

RESOLVED unanimously by the Board of Park Commissioners that payment in the amount of $335.30 be made to G. Eugene Cook who substituted as leader of the Golden Gate Park Band on Sunday, April 21, 1940.

Resolution No.286 - Appointment of Harry Payson Acting Director of Band:

The following resolution was next adopted by the Board:

RESOLUTION NO.286

RESOLVED unanimously by the Board of Park Commissioners that Mr. Harry Payson be appointed Acting Director of the Golden Gate Park Band, effective Sunday, April 28, 1940, and until the appointment of a Director.

Resolution No.287 - Services, John Punnett:

The Acting Secretary then requested the adoption of the following resolution in order to comply with Section 95 of the Charter which specifies that for expenditures in excess of $1,000.00 the work must be performed by contract:

RESOLUTION NO. 287

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be instructed to enter into an agreement in writing with John Punnett for engineering services in connection with the First Unit of Yacht Harbor Extension, the compensation for said services not to exceed the sum of $1435.00.

The foregoing resolution was then duly adopted.

"GJOA" Contract No.2 Bid Rejected:

Construction Superintendent Bart Rolph next presented a detailed report on the restoration of the Amundsen Memorial Ship "Gjoa". On motion of Commissioner Lermen, seconded by Commissioner Sandy and unanimously carried, it was resolved to reject the bid of the J. L. Stuart Company in the amount of $6840.00, the only bid received for the Stripping down, Trussing and Preservation of the Sloop Gjoa. Construction Superintendent Rolph was then instructed to draw up new specifications in conjunction with the firm of Pillsbury and Curtis, Marine Surveyors. It was suggested that said work be done on a cost plus basis at a guaranteed top figure not to exceed the total sum available in this appropriation of approximately $9200.00. The Acting Secretary was requested to communicate with the City Attorney relative to obtaining his opinion as to the legality of this type of bid and contract.

Request for Repairs- Angling & Casting Club:

Mr. Hittenberger, representing the Golden Gate Angling and Casting Club, next appeared before the Board asking that certain repairs be made to the fireplace in the clubhouse. Superintendent of Construction, Bart Rolph, was instructed to investigate the matter without delay and make a report.

Use of McCoppin Square for May Day Celebration:

A communication from the Parkside Improvement Club requesting the use of McCoppin Square for their second May Day celebration to be held on Sunday, May 5, 1940, was then approved by the Commissioners and the Acting Secretary instructed to so notify the members of the Club.

Elephant Trains in G. G. Park:

Mr. Raymond Williamson next appeared before the Board, stating that after conferring with the City Attorney he was of the opinion that there was nothing to prevent the Park Commission from granting this concession, and that it would not have to be presented to the Board of Supervisors; and, secondly, requested 10% instead of 15% in the matter of percentage of the gross receipts. President Fleishhacker suggested a minimum of 10% and maximum of 15% until the first of the year, at which time the finance committee could make an adjustment in accordance with earnings. President Fleishhacker suggested that for the protection of the Park Commission, an opinion should be secured from the City Attorney before entering into any such lease.

Commissioner Lermen stated that he favored the granting of a concession but that because of the fact that the proposed operation of trains under the concession was an experiment and there was no past experience of the Commission to serve as a guide, the Commission should reserve the right to enact any rules or regulations governing the operation of the trains, which, in the opinion of the Commission was for the best interests and safety of the public, the Commission and the Park. For that reason, he favored the granting of a license only, revocable at any time within a year, at the pleasure of the Commission.

Mr. Williamson stated his objection was that the applicant expected to invest about $35,000.00 in the purchase of the necessary equipment, cars, motors, etc. and that he did not feel that after the expenditure of

such a sum, he should lose his concession at the will of the Commission. Commissioner Lermen stated that possibly the best interests of the public and the Commission might be safeguarded through the enactment of proper rules and regulations.

On motion of Commissioner Budde, seconded by Commissioner Lermen, and unanimously carried, it was resolved to grant the concession to Mr. Steve Rice under the conditions as set forth in the application, provided, however, that the written opinion of the City Attorney be obtained, approving the legality of this action, and with the understanding that the matter of minimum and maximum percentage be determined by this Commission at the end of this year, and subject also to the enactment by the Commission of suitable rules and regulations, governing the operation of trains and the exercise of the concession by the applicant.

Mr. Williamson was requested to make the changes suggested in the application and send copies to each Commissioner.

Proposed Union Square Garage:

There next appeared before the Board Messrs. Florence McAuliffe, Frank Y. McLaughlin, Timothy Pflueger, Richard Guggenhime and Carlton Wall, representing the Union Square Garage Corporation. The Corporation, through its legal counsel, Mr. Richard Guggenhime, requested the Board to adopt a resolution directing the Acting Secretary to advertise for bids for a fifty year lease of the subsurface of Union Square to enable the construction and operation therein of a public garage.

A letter from the Chief Administrative Officer and a resolution from the Street Traffic Advisory Board was then presented:

"CHIEF ADMINISTRATIVE OFFICER
San Francisco
California

March 28, 1940

"To the Honorable
The Park Commission
Golden Gate Park Lodge
San Francisco

Gentlemen:

At the regular monthly meeting of the Street Traffic Advisory Board held in this office on Wednesday, March 27th, the attached resolution was unanimously adopted.

Very truly yours,

STREET TRAFFIC ADVISORY BOARD

(Signed) Alfred J. Cleary
Chairman"

"WHEREAS Section 41 of the charter of the City and County of San Francisco provides that the Park Commission "may lease to the highest responsible bidder for a term not to exceed fifty years and upon such other terms and conditions as it may determine, subsurface space under any public park and the right and privilege to conduct and operate therein a public automobile parking station, provided that the said construction, when completed, and the operation will not be, in any material respect or degree detrimental to the original purpose for which said park was dedicated or in contravention to the conditions of any grant under which said park might have been received", and

"WHEREAS, Union Square Garage Corporation, a California corporation, with its principal office located in the City and County of San Francisco, has prepared under the direction of Timothy L. Pflueger, architect, preliminary plans and specifications of a garage it proposes to be built under Union Square, San Francisco, said plans and specifications being subject to approval by the Board of Park Commissioners in the City and County of San Francisco; and

"WHEREAS, Frank Y. McLaughlin, President of the Union Square Garage Corporation and Timothy L. Pflueger, the Corporation's architect, appeared before the Street Traffic Advisory Board at the meeting held in the City Hall on Wednesday, March 27, 1940, at 4:00 p.m. and demonstrated to the

satisfaction of that Board that its plans and specifications for the proposed garage under Union Square were sound and feasible, and the construction of said garage would contribute substantially to the relief of traffic congestion in the down town area; and,

"WHEREAS, Mr. McLaughlin informed the members of the Street Traffic Advisory Board that litigation will be necessary to test the validity of Section 41 of the Charter of the City and County; which litigation may be had after the Park Commission shall have directed its Secretary to publish a call for bids,

"BE IT RESOLVED: That the Street Traffic Advisory Board endorses the preliminary plans and specifications of the Union Square Garage Corporation as presented at the meeting today, with the understanding that the question of additional entrances and exits be given further consideration by the Corporation, and

"Further resolved that the Street Traffic Advisory Board recommends to the Board of Park Commissioners of the City and County of San Francisco that said Board of Park Commissioners forthwith advertise for bids for the subsurface space under Union Square and the right and privilege to conduct and operate therein a public automobile parking station as provided in Section 41 of the Charter of the City and County.

STREET TRAFFIC ADVISORY BOARD

(Signed) ALFRED J. CLEARY
Chairman

MARIAN T. FETT
Secretary "

A communication was then presented from Mr. Walter Dold, Chief Deputy Attorney, advising the Board of Park Commissioners that he was transmitting the following documents relative to the contemplated call for bids for the leasing of the subsurface area of Union Square for the purpose of operating therein a public automobile garage and parking station:

(1) Form of Resolution
(2) Form of Call for Bids
(3) Form of lease
(4) Form of Proposal or Bid

He further advised the Board that these four documents were satisfactory as to form. Each document was then read and after a lengthy discussion it was agreed that, in order to allow sufficient time for preparation of plans and specifications, the period for submitting bids should be extended from 30 days to 45 days.

President Fleishhacker then called to the attention of the Board and to the representatives of the Union Square Garage Corporation that there would be considerable expense involved in connection with the moving of sewers, gas lines and other utilities, for which he could find no provision in the lease; that the City and the Board of Park Commissioners had no funds available for this expense and that such monies should be provided by the Union Square Garage Corporation. Mr. Timothy Pflueger and Mr. Richard Guggenhime explained that this was a matter which would necessarily be covered in the final working drawings and specifications which will have to be approved by the Board.

It was noted by the Chairman that there were on file the following documents referred to in the proposed "Call for Bids" and "Form of Lease" which were then marked and dated:

Form of proposal or bid
Form of Lease
Perspective of Union Square
Surface plan of Union Square
Elevations of Union Square (two sheets)
Specifications for Union Square Surface

On motion of Commissioner Lermen, duly seconded and carried, the following resolution was then adopted:

RESOLUTION NO. 288

WHEREAS, Section 41 of the Charter of the City and County of San Francisco authorizes the Board of Park Commissioners to lease the sub-surface under public parks for the purpose of constructing and operating therein public garages; and

WHEREAS, such authorization is subject to certain terms and conditions; and

WHEREAS, it is deemed in the public interest that this Board advertise for bids for a fifty-year lease of the sub-surface under Union Square to enable the construction and operation therein of a public garage; and

WHEREAS, the Street Traffic Advisory Board of the City and County of San Francisco has endorsed the construction of a public garage in the sub-surface under Union Square; and

WHEREAS, this Board has on file the following documents:

Form of Proposal or Bid
Form of Lease
Perspective of Union Square
Surface Plan of Union Square
Elevation of Union Square (2 sheets)
Specifications for Union Square Surface

reference to which documents is made in the proposed form of Call for Bids; and

WHEREAS, this Board has determined and found that construction of a public automobile garage and parking station when completed, and the operation thereof, will not be in any material respect or degree detrimental to the original purpose for which Union Square was dedicated or in contravention of the conditions of any grant under which said park has been received, when the garage shall have been constructed as contemplated by a form of Call for Bids considered this day by this Board;

NOW, THEREFORE, BE IT RESOLVED that the Acting Secretary of the Board of Park Commissioners be and he hereby is directed forthwith to publish the Call for Bids in form as hereinafter set forth once a day for six consecutive days in the official newspaper of the City and County of San Francisco, State of California.

FURTHER RESOLVED, that the Acting Secretary of the Board be and he hereby is authorized and directed to receive sealed proposals as contemplated by the said Call for Bids and to do any and all things necessary or advisable to carry out the intention of the Board as indicated by this resolution and by the terms of the Call for Bids.

Filipino Fed. Band Concert Approved:

The Acting Secretary next reported that a clearance had been received from the Musicians' Union relative to the free concert to be given by the Filipino Federation of America Band on Sunday, July 7, 1940.

Resolution No. 274 Rescinded- Market St. Ry. Claim:

The Acting Secretary then reported that with reference to Resolution No. 274 adopted at the meeting of March 28, 1940, the claim of the Market Street Railway could not be paid due to their failure to file claim for damages as required by Section 87 of the City Charter. On motion of Commissioner Lermen, seconded by Commissioner Budde and unanimously carried Resolution No. 274 was then rescinded.

State Harbor Commission- Accident Claim:

Due to the fact that proper claim had not been filed, the claim of the State Harbor Commission for damages in connection with an accident to the State Belt Line Railway at Aquatic Park, in November, 1937, was denied by the Board.

Corrected Resolution No. 261:

On motion of Commissioner Lermen, seconded by Commissioner Sandy and unanimously carried, Resolution No. 261 adopted at a meeting held February 15, 1940, was ordered corrected to read as follows:

CORRECTED RESOLUTION NO. 261

RESOLVED unanimously by the Board of Park Commissioners that a contract be awarded to the DUNCANSON-HARRELSON COMPANY for the PULLING AND DRIVING OF PILES at Yacht Harbor, Marina, San Francisco, and that payment therefor be made in the amount of Twenty-Three Hundred Forty Seven ($2347.00) Dollars for the lump sum bid; and

In the event that when pulling piles not specified in the lump sum bid, in order to place the driver in position, such piles should show any serious defects and should be condemned by the engineer, the price of the pile for replacement, per lineal foot FIFTY FIVE CENTS $ .55

Price per lineal foot to pull and drive an inshore new pile ONE DOLLAR SIXTY CENTS $1.60

Price per lineal foot to pull and drive an outshore new pile ONE DOLLAR TWENTY CENTS $1.20

Price per lineal foot of new creosoted piles not included in previous item to be driven in place EIGHTY CENTS $ .80

Provided, however, the entire cost of the work to be done under the contract shall now exceed the sum of Thirty-Five Hundred Dollars ($3500.00) payment to be made from funds available in Appropriation No. 912-214-02 - Yacht Harbor Repairs.

Plaque in Memory of Adolph Sutro: A communication from the Native Sons of the Golden West was then presented asking that they be permitted to place a plaque in memory of Adolph Sutro at the entrance to Sutro Heights Park on April 29, 1940, and was unanimously granted by the Board.

Lease of Land for Golf Range by Lee Dougan: The following opinion was then presented from the office of the City Attorney relative to the leasing of certain properties requested by Mr. Lee Dougan to be used as a golf practice range:

"JOHN J. O'TOOLE
City Attorney
City Hall
San Francisco, California

April 15, 1940

"BOARD OF PARK COMMISSIONERS
Park Lodge, Golden Gate Park
San Francisco, California
"

Dear Sirs: RE: Golf Practice Range - Fleishhacker Playfield

"I have before me the letter of your Acting Secretary under date of April 8th relative to the leasing of a portion of the property of the Spring

"Valley Company, Ltd. which is under option of purchase by your Board.

"I note particularly Paragraph 4 of Agreement of Lease between the City and the Company. Paragraph 4 reads as follows:

> "PURPOSE OF DEMISE. It is understood and agreed that this lease is and shall be upon the express condition that the said real property not already purchased by the City under the terms of this agreement shall be used during the term hereof, or during the term of any renewal hereof, for public park and playground purposes only, except such part or parts of said land as are now being used for agricultural purposes."

"As this particular provision in the Agreement limits the use to which the property may be put during the life of the Agreement, it appears to me to be safer to obtain from the Company a consent that the particular portion of the property may be leased and used as a golf practice range. I feel quite sure that if the matter is taken up with Mr. Eastman, President of Spring Valley Company, Ltd. he will consent to the use.

"I have therefore prepared a Consent to be signed by the Company and when it has been signed you can then enter into the lease with the prospective tenant. You have not given me an exact description of the property to be leased and therefore you will have to insert it in the proposed Consent which is to be signed. I take it that the property in question is situated in Parcel 19 as delineated upon the map attached to the Agreement between the City and the Company and I have so indicated it in the Consent.

"I herewith return you the copy of the Agreement between the City and the Company relative to the purchase of this property.

Very truly yours,

(Signed) JNO J. O'TOOLE
City Attorney

On motion duly made by Commissioner Budde, seconded and unanimously carried, the request of Mr. Lee Dougan to lease the above mentioned property was granted subject to the written consent of the Spring Valley Water Company.

Request of Newspaper Guild for use of Rainbow Room-Aquatic Park Concession:

There was next presented to the Board a communication from the chairman of the Guild Frolic Committee of the San Francisco-Oakland Newspaper Guild requesting that the Rainbow Room and other space not ordinarily available for private parties at the Aquatic Park Casino be opened for their use at the annual Frolic to be held on Saturday evening, May 11. After careful consideration the Commissioners found it necessary to deny the request as it was contrary to the established policy for the use of the building.

Floral Border Natl. Mother's Grove, requested for Mother's Day:

The Board considered the communication of Mr. Harry L. Walker asking that a border of white and red flowers be planted between 23rd and 25th Avenues, inside the south side of the National Mother's Grove, for Mother's Day, May 12, 1940. Because of lack of funds available, the request was denied.

Requests of Parks Employees Union:

Communications from the San Francisco Municipal Parks Employees' Union were then presented by the Acting Secretary, protesting the dismissal of an employee and the lay-off schedule. After some discussion the chairman informed the representatives of the Union that these decisions were matters for the executive officer and that such decisions were left in the hands of First Assistant Superintendent, Julius Girod.

Profit & Loss Statement:

A Profit and Loss Statement for nine months ending March 31, 1940, was next presented and a copy given to each Commissioner. The Board ordered the report filed.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 6:20 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
May 9, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, May 9, 1940, at 4:00 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. George H. Sandy

Absent:

Com. Parker S. Maddux
Com. John Lermen

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then duly adopted as the minutes of the regular meeting held April 25, 1940.

Supervisors' Resolutions-McLaren Park Land Purchases: The following resolutions of the Board of Supervisors were ordered incorporated into the minute record:

"RESOLUTION NO. 993
(Series of 1939)

"LAND PURCHASE - McLAREN PARK

"RESOLVED, In accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from JAMES M. CAMPBELL, or the legal owner, to Lot 4, Assessor's Block 6285, San Francisco, for the proposed McLaren Park, for the sum of $320.00, payable from Appropriation No. 912.600.03. The City Attorney shall examine and approve the title to said property.

"Adopted - Board of Supervisors, San Francisco, April 29,1940.

"Ayes: Supervisors Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"Absent: Supervisor Brown.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY, Clerk

"Approved, San Francisco, May 1,1940.

ANGELO J. ROSSI, Mayor"

"RESOLUTION NO. 994
(Series of 1939)

"LAND PURCHASE - McLAREN PARK

"RESOLVED, In accordance with the recommendation of the Park Department, that the City and County of San Francisco accept deeds from the following named parties, or the legal owners, to certain land situated in the City and County of San Francisco, State of California, required for the proposed McLaren Park, and that the sums set forth below be paid for said property from Appropriation No.912.600.03.

"The Anglo California National Bank of San Francisco, a Corporation, Lots 2 and 3, Assessors' Block 6285 $1,876.00

"Royal B. Parker, et al.Lot 9, Assessor's Block 6060 700.00

"The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, April 29, 1940.

"Ayes: Supervisors Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"Absent: Supervisor Brown.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY, Clerk.

"Approved, San Francisco, May 1,1940.

ANGELO J. ROSSI
Mayor."

Union Square Garage- Refusal of Secretary to Publish Call for Bids:

President Fleishhacker then asked the Acting Secretary if he had published a notice calling for bids for the proposed Union Square Garage in accordance with the instructions of the Board at the meeting held April 25,1940. Acting Secretary, Gerald J. Linares, replied that he had not and refused to do so because in his opinion the section of the Charter permitting the leasing of sub-surface areas of public parks for a garage and automobile parking station was invalid.

Request for Recreational Supervisors- Aquatic Park:

A communication from the Central District Council requesting recreational supervisors to be in attendance at Aquatic Park afternoons and evenings was next presented, and was denied due to lack of funds.

Roads - Jr. Chamber of Commerce Traffic Suggestions:

A letter from the San Francisco Junior Chamber of Commerce suggesting striping of the main cross roads in Golden Gate Park and the widening of Lincoln Way and Fulton Streets to take fast traffic out of the park was next discussed. It was reported by First Assistant Superintendent Julius Girod that the main drive across the park and the by-pass had already been striped. President Fleishhacker asked that the matter be referred to First Assistant Superintendent Girod for reply.

Golf Practice Range - Proposed Lease by Lee Dougan:

Mr. Lee Dougan next appeared and inquired as to the status of negotiations concerning property which he was desirous of leasing for a golf practice range. He was informed that the ownership of the property in question had not been definitely determined and that the Commissioners were doing everything possible to assist him in getting the property. The matter was ordered held in abeyance pending the return of Commissioner Lermen.

Signs- Suggested by Police Dept.

A discussion then ensued relative to certain recommendations made by Capt. of Traffic and submitted by the Chief of Police for the installation of signs on Park Presidio Blvd. Mr. Girod stated these signs would cost approximately $150.00, which sum was not available in the budget at the present time. It was suggested that there might be a possibility of

getting this money from Col. Skeggs out of Gasoline Tax Funds and Mr. Girod was asked to investigate to see what could be done in this regard. It was the consensus of opinion that the signs should be installed in accordance with the recommendations of the Police Department and the Acting Secretary was ordered to notify the Chief of Police that the matter had been given attention.

Illumination of Coit Tower for Forties Fiesta:

The Board next granted the request of the Managing Director of the "Golden Forties Fiesta" for the illumination of Coit Tower during the week prior to the opening of the Exposition, from May 19th to 25th inclusive.

Use of Washington Square June 2, 1940:

A communication was then presented from the Italian Athletic Club asking permission to use Washington Square Park and to erect a platform for their annual celebration on June 2, 1940. The request was granted by the Board.

Land Purchase Agreement - Gas House Cove, E.L.Bates Incorporated:

The following lease agreement was next presented by the Acting Secretary and upon motion of Commissioner Budde it was ordered incorporated into the minutes of this meeting.

"THIS LEASE AGREEMENT, made and entered into as of the first day of April, 1940, by and between EMMELINE L. BATES, as Lessor, and CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, as Lessee, hereinafter called City:

W I T N E S S E T H

"WHEREAS, the Lessor is the owner of that certain real property situated in the City and County of San Francisco, State of California, shown and delineated as Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 on the map annexed hereto and made a part hereof; and

"WHEREAS, it is for the best interests of the City to acquire said property, or a portion or portions thereof and to lease the whole thereof not so acquired for municipal purposes.

"NOW, THEREFORE, in consideration of the premises it is agreed by and between the parties hereto as follows:

1. SALE OF PARCEL 1. City shall on or before April 1, 1940, purchase from Lessor and Lessor shall sell to City said Parcel 1, and City shall pay Lessor therefor on or before said date the sum of Five Thousand Dollars ($5,000.00) whereupon Lessor shall execute and deliver to City a good and sufficient deed granting and conveying a merchantable title of the same to City.

2. LEASE. Lessor does hereby lease to City and City does hereby hire and take from Lessor for the term of nine (9) successive years from and after April 1, 1940, unless sooner terminated as hereinafter provided, said Parcels 2, 3, 4, 5, 6, 7, 8, 9 and 10, and City shall annually pay Lessor as rental during the term hereof on or before the fifth day of December, of each year beginning December 5,1941, for each of said parcels not purchased by City, equivalent to (a) $432.36 for each such parcel, plus (b) all installments of taxes, assessments and governmental charges levied or assessed or incurred against each such parcel subsequent to April 1,1940; provided however, that the taxes for the fiscal year 1939-40 shall be prorated as of April 1,1940, and City shall pay lessor on or before December 5, 1940, her prorata of the 1939-40 taxes with the initial rental payment of $2,637.40 for the period from April 1, to December 5, 1940. Rental and taxes for the last year of this lease shall be prorated as of the date of the purchase of Parcel 10 by the City.

3. PRIOR TERMINATION OF LEASE. City shall have the right to terminate this lease as to all of said parcels, or as to so many thereof as have not theretofore been purchased by City as herein provided, upon December 5, 1940, or upon December 5th of any year thereafter during the term hereof by giving Lessor fifteen (15) days prior written notice of City's desire for such termination; and Lessor shall have the right to terminate this lease forthwith upon the sixth day of December of any year during the term hereof in the event that City shall not have exercised its option on or before the preceding day to purchase the parcel of land which City has the option to purchase on said day as herein provided.

4. OPTIONS TO PURCHASE. Lessor will and she hereby does give City the respective options to purchase and acquire title to said respective parcels to be exercised successively as follows:

On or before December 5, 1940, for Parcel 2
On or before December 5, 1941, for Parcel 3
On or before December 5, 1942, for Parcel 4
On or before December 5, 1943, for Parcel 5
On or before December 5, 1944, for Parcel 6
On or before December 5, 1945, for Parcel 7
On or before December 5, 1946, for Parcel 8
On or before December 5, 1947, for Parcel 9
On or before December 5, 1948, for Parcel 10

"by the payment on or before each of said dates for each of said parcels the sum of Fourteen Thousand Four Hundred Eleven and 89/100 Dollars ($14,411.89); provided however that each of said options after the first shall be conditional upon the next previous one having been theretofore exercised. Nothing herein contained shall be construed to obligate City to purchase any of said parcels.

5. DEEDS TO CITY. Upon payment of the purchase price for each parcel, Lessor shall execute and deliver a deed to City conveying merchantable title thereto. Parcel 1 shall be conveyed subject to an easement granted to Sierra and San Francisco Power Company, now Pacific Gas and Electric Company, by deed dated August 5, 1929 and shall also be conveyed subject to any right Pacific Gas and Electric Company may have to free flowage of water to its intake pipes situated on adjoining property to the south. Upon execution and delivery by Lessor of deeds to all of said parcels as herein provided Lessor shall execute and deliver to City a quitclaim deed of all right, title and interest of Lessor in and to the half portions of the street or streets next abutting said parcels.

6. CITY IMPROVEMENTS. During the term of this lease or any renewal hereof, City shall have the right to erect and maintain buildings, levees or other structures on the demised premises. City shall retain title to such of said improvements as can be removed without damage to said land irrespective of the manner of their attachment to said land, and City shall be entitled to remove any such improvements at any time during the term hereof and within a period of sixty (60) days after the termination of this agreement, provided, however, that any such improvement on any of said parcels owned by Lessor at the termination of this agreement which shall not be removed within sixty (60) days after such termination shall thereupon become the property of Lessor.

7. RESPONSIBILITY FOR WORK. All work done or improvements made on the said real property by City shall be at the sole expense of City, and City shall indemnify and hold harmless Lessor against all claims in respect thereto and against any liability under the provisions of the Labor Code of the State of California in respect to Workmen's Compensation Insurance, and all amendments thereto, and against any and all claims of liability for damages, or injury to or for the death of any person on or about the premises, and City shall keep the said premises and every part thereof, free and clear of liens and claim of lien in respect to all work done or material used or furnished at the instance of City.

8. ENTRY BY LESSOR. Lessor and her agents shall at all reasonable times have the right to enter upon the demised premises for the purpose of inspecting the same and of posting thereon any notice or notices of non-responsibility or for any other purpose or purposes herein specified.

" 9. NOTICES. All notices to be given by either party hereto shall be deemed to be given when deposited in the United States mail, postage prepaid, addressed to Lessor 'Emmeline L. Bates, 88 First Street, San Francisco, California', or to City 'The Park Commissioners of San Francisco, Golden Gate Park Lodge, San Francisco, California'. Either party may change its address by written notice to the other.

10. SURRENDER OF PREMISES. At the expiration or other termination of the term of this lease, City agrees peaceably and quietly to surrender and deliver up possession of the said real property to Lessor, her agents, or legal representatives, excepting such portion or portions of said property as may have been purchased by City.

11. DEFAULT. In case City shall make default in payment of the rental herein reserved, as and when the same falls due, or shall make default in observance of any of the covenants and agreements herein contained on the part of City to be kept and performed, and such default shall continue for a period of thirty days after written notice given by Lessor to City, then Lessor, her agents or legal representatives, shall have the option at any time thereafter, without further notice or demand, to terminate this lease and re-enter upon the demised premises and to remove City or other party or parties therefrom, without prejudice, however, to any other remedy which might be used for arrears of rent or breach of covenant or condition.

12. WAIVER. Any failure or neglect of Lessor to take advantage of any cause for the termination of this lease shall not be deemed a waiver of any cause for such termination subsequently arising, and no provision of this lease can be waived except by the written consent of Lessor.

13. TIME. Time is of the essence of this lease and of each and every provision hereof.

14. ASSIGNMENT. This lease and all the agreements, covenants, terms and conditions herein contained shall bind and shall inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate as of the day and year first herein written.

EMMELINE L. BATES
Lessor

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation

"APPROVED:
Joseph J. Phillips
Director of Property

By ANGELO J. ROSSI
Mayor

FORM APPROVED:
Dion R. Holm
Asst. City Attorney

Attest: DAVID A. BARRY
Clerk of the Board of Supervisors

(SEAL) "

Yacht Harbor-Request for Lease of Concession Space:

There was next presented a letter from Mr. James M. Thomas, Attorney at Law, relative to the leasing of a space 12 x 50 feet of the lot facing Laguna Street, adjacent to the U.S.Transport Docks at Gas House Cove, for the purpose of a concession for sandwiches, coffee, candies and ice cream. The matter was ordered held in abeyance until an investigation could be made of other leases pertaining to this property. Mr. Joseph R. Hickey was asked to present a report at the next meeting on the matter of the concession now being operated by a Mr. Peterson at Gas House Cove.

"Gjoa" Contract No.2 Call for New Bids Authorized:

The Acting Secretary next presented the following letter from the office of the City Attorney:

"JOHN J. O'TOOLE
City Attorney
City Hall
San Francisco, Calif.

May 2 , 1940

"Board of Park Commissioners,
Park Lodge
Golden Gate Park
San Francisco, California

Re: Amundsen Memorial Ship "Gjoa"

"Atten: G. J. Linares:

"Dear Mr. Linares:

"In answer to your letter addressed to Mr. O'Toole, under date of April 29,1940, regarding the reconstruction of the above entitled ship, in which you request this office to advise you whether or not the work may be done on a cost plus basis, at a guaranteed top figure not to exceed a stipulated amount.

"You are advised that a contract of such a character is legal under the provisions of our Charter.

"Yours very truly,

SYLVAIN D. LEIPSIC
Deputy City Attorney "

Construction Superintendent Bart Rolph then presented the new specifications for the proposed contract No. 2 for rehabilitation of the Gjoa and the Acting Secretary was instructed to readvertise for bids.

Request for Tree Ferns for Sigmund Stern Grove:

The Commissioners then granted the request from the Chairman of the Finance Committee of the Recreation Commission for tree ferns to be planted in Sigmund Stern Grove at 19th Avenue and Sloat Blvd., and referred the matter to Superintendent John McLaren and First Assistant Superintendent Girod with full power to act.

Resolution No. 289 Strybing Bequest, Arboretum Site:

The following resolution was then approved by the Board:

RESOLUTION NO. 289

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to direct the City Attorney to file in the Superior Court a petition for the approval of the Arboretum site in order to conform to the provisions of the last will and testament of Helene Strybing.

List of WPA Projects Approved:

On motion of Commissioner Budde, duly seconded and unanimously carried, the list of suggested Works Projects Administration Projects for 1940-41 program was approved by the Board and ordered transmitted to the Works Projects Administration Coordinating Committee.

Proposed John McLaren Dell:

President Fleishhacker next discussed the possibility of establishing a Rhododendron Dell to be known as the "JOHN McLAREN DELL". After some discussion it was moved by Commissioner Henry

Budde, duly seconded and unanimously carried that Superintendent John McLaren and First Assistant Superintendent Julius Girod prepare plans and specifications and costs of the proposed John McLaren Dell and be ready to submit same at the next meeting.

Use of Band Concourse for Flag Day:

A communication from the Chairman of the Elks' Committee was next presented, requesting the use of the Band Concourse for the annual Flag Day Ceremonial on June 16 at 2:00 p.m., in conjunction with the Citizens Committee appointed by his Honor, the Mayor. Approval was unanimously granted by the Board.

Repairs to Angling Club Authorized:

Construction Superintendent Bart Rolph next reported that the repairs to the fireplace, requested by the Angling and Casting Club would cost approximately $15.00. It was moved by Commissioner Budde, duly seconded and unanimously carried that Mr. Rolph be authorized to proceed with this work at a total cost not to exceed the sum of $15.00.

Park Employees Union Request:

Mr. Connelly, representing the San Francisco Municipal Park Employees Union next appeared before the Commission asking that a Grievance Committee be appointed from the Commission for the purpose of settling labor disputes. They were informed that First Assistant Superintendent Julius Girod was authorized to handle such matters and if it became necessary for any matter to be brought before the Commission it should be done so through Mr. Girod. It was specifically requested that all such matters be put in writing.

Construction Report: A construction report covering work for the month of April and work programmed for May was submitted by Superintendent of Construction, Bart Rolph, with a copy to each Commissioner, and ordered filed.

Payments - Resolution No. 292: The following resolution was then adopted by the Board:

RESOLUTION NO. 292

RESOLVED unanimously by the Board of Park Commissioners that the following bills be approved and ordered paid:

Keystone Metal & Plating Works Refinishing of "Pioneer Mother" Statue	$225.00
Lewis P. Hobart - Architectural Fees, Lion House - Zoo	$1,608.00

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:25 P.M.

C. J. Linares
Acting Secretary

San Francisco, California
May 23, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, May 23, 1940, at 4:30 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. John J. Lermen
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then duly adopted as the minutes of the regular meeting held May 23, 1940.

Supervisors' Resolution No. 1030 - McLaren Park Land Purchase: The following resolution of the Board of Supervisors was then ordered incorporated in the minutes of this meeting:

"LAND PURCHASE - McLAREN PARK

RESOLUTION No. 1030
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from DANIEL D. MURPHY, et ux., or the legal owners, to Lots 5A and 5B, Assessor's Block 6138, San Francisco, required for the proposed McLaren Park, and that the amount of $170.00 be paid for said land from Appropriation No. 912.600.03.

"The City Attorney shall examine and approve the title to said property.

"Adopted -- Board of Supervisors, San Francisco, May 13, 1940.

"Ayes, Supervisors Brown, Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk.

"Approved, San Francisco, May 15, 1940.

ANGELO J. ROSSI
Mayor."

Resolution No.290 Transfer of Funds:

The following resolution was adopted by the Board of Park Commissioners:

RESOLUTION NO. 290

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to prepare the necessary forms to supplement the appropriation for WAGES, GENERAL DIVISION, 912-103-01 by the transfer of $17,182.57 from the appropriation RESERVE FOR ADJUSTMENT (1938-39), 812-000-00, and the transfer of $15,303.28 from the appropriation for AQUATIC PARK EQUIPMENT (1938-39), 812-400-04, as all of the equipment required for Aquatic Park for the fiscal year 1939-40 has been purchased.

Resolution No.291 - Transfers and Allotments:

The Board then adopted the following resolution:

RESOLUTION NO. 291

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-106-01 Fees and Special Compensations	912-300-01 Materials & Supplies, Gen. Div.	$800.00
912-300-03 Materials & Supplies, Zoo Div.	912-300-01 Materials & Supplies, Gen. Div.	1000.00

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
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912-300-03 Materials & Supplies, Zoo Div.	912-300-01 Materials & Supplies, Gen. Div.	1000.00

912-900-03 Services Other Depts., Zoo Div.	912-300-01 Materials & Supplies, Gen. Div.	$196.00
912-200-02 Contractual Services, Rev. Div.	912-300-12 Materials & Com. - Rev. Div.	400.00
912-200-02 Contractual Services, Rev. Div.	912-900-02 Services, Other Depts.-Rev. Div.	125.00

ALLOTMENTS

912-400-02	Equipment, Revenue Division	$1328.74
912-400-03	Equipment, Zoo Division	882.00
912-500-08	Sewage Plant Equipment	1960.00

Supervisors' Resolution re Placing of "Pioneer Mother" Statue in Memorial Grove:

A resolution from the Board of Supervisors requesting that the "Pioneer Mother" statue be placed in Memorial Grove in Golden Gate Park on completion of its Exhibition on Treasure Island was next presented and ordered held in abeyance pending recommendations from Superintendent John McLaren and First Assistant Superintendent Julius Girod.

Communication from Mayor Rossi:

A communication from the Honorable Angelo J. Rossi, Mayor, thanking the Commissioners for flowers sent him during his illness, was then presented and ordered filed.

Elephant Train Proposal:

At the request of Mr. Steve Rice, who next appeared before the Board, the matter of sight-seeing train operation in Golden Gate Park was ordered held in abeyance until the next meeting.

Water Supply Golden Gate Sewage Treatment Plant:

A discussion next ensued relative to a communication received from Mr. A. D. Wilder, Director of the Department of Public Works, requesting that the Park Commission issue a work order in the sum of $500.00 against which the actual cost, estimated to be from $100.00 to $500.00 could be applied, for the purpose of investigating

the comparative cost of producing water by utilizing sewage passing through the present activated sludge treatment plant in Golden Gate Park, as compared with the cost of an equivalent supply to be received from the San Francisco Water Department. After some discussion the Acting Secretary was instructed to inform Mr. Wilder that because of the lack of funds this matter would have to be held in abeyance.

Signs Requested by Police Dept: A communication from the Chief of Police was then presented recommending the installation of reflector type signs to be placed on the south side of the closed portion of the Park-Presidio Road, 100 feet from the junction of said road and 25th and Fulton Street, and also that painted "Keep to the Right" signs be installed on each lane of said closed portion of the road, 100 feet west from said junction. It was reported by First Asst. Superintendent Julius Girod that these signs could be furnished at an approximate cost of $10.00 each.

On motion of Commissioner Budde, duly seconded and carried, The Board ordered First Assistant Superintendent Girod to install the signs, the Acting Secretary to notify the Chief of Police that such steps were being taken in compliance with their recommendations.

Police Protection in G.G.Park: First Assistant Superintendent, Julius Girod, then presented a report on the lack of adequate police protection in Golden Gate Park. The matter was referred to President Fleishhacker who was to discuss it further with the Chief of Police.

Huddart Property- Repair of Water Pipes: The Board next discussed communications from the Executor of the Estate of Mary Huddart relative to the water situation and damage to pipes on the Huddart property. Commissioner Lermen stated this was a point of law, and the Acting Secretary was ordered to acquaint the City Attorney with the facts and request his advice as to the respective rights of the Board.

Proposed CCC Camp at Huddart Park: First Assistant Superintendent Julius Girod next outlines certain of the requirements with regard to making application for a CCC Camp at Huddart Park, stating that the expenses in connection therewith would probably not exceed $200.00 per month to the Park Commission. Commissioner Lermen asked that a more careful study of the matter be made and stated that he felt the Park should not obligate itself for any expenditures on this property unless a special appropriation could be secured for that purpose. First Assistant Superintendent Girod was requested to present a written report at the next meeting on the requirements for such a camp, and inasmuch as it was essential that application be made immediately, he was authorized to file application with the understanding that it could be withdrawn later if the terms were not satisfactory to the Board.

Request to take Photographs - New Zoo: A letter from C. Bartlett asking permission to take photographs, for commercial purposes, in the new Zoological Garden near the Fleishhacker Playfield was next presented and the request denied.

Request for Use of Huddart Park for a Boy Scout Camp: There was next presented a request from Mr. Edw. G. Chapman, Scoutmaster, Cub Pack "400"

Scout Troop for permission for a group of Boy Scouts to camp on the Huddart property. The matter was ordered held in abeyance for further study.

Union request re Del Hughes: A communication from the Bay Counties District Council of Painters No. 8 regarding the status of Mr. Del Hughes was then brought to the attention of the Board. The matter was referred to First Assistant Superintendent Julius Girod for report at the next meeting.

Union request for Appointment of Grievance Committee: The Board then discussed the matter of appointing one of its members to meet with representatives of the Union in the matter of arbitration of labor disputes. It was suggested that the arrangement be given a trial for a period of thirty days and Commissioner George Sandy was appointed to represent the Commission. It was understood, however, that all such matters would be first taken up with First Assistant Superintendent Girod.

Lewis Hobart Fee, Pachyderm House: The Acting Secretary then reported on his meeting with the Controller with regard to a bill submitted by Lewis Hobart for architectural services in connection with the construction of the Elephant House at the Fleishhacker Zoo. He informed the Board that the Controller's Office had reported that no funds had been set up in the budget for this obligation and that Section 86 of the Charter of the City and County of San Francisco made it impossible for the Controller to honor such an obligation. The Board then instructed the Acting Secretary to communicate with Lewis Hobart and inform him that

they regretted very much that there was no way in which his demand for payment could be honored.

Lincoln Park Tree Removal Protested:

Mr. Lermen then reported that he had received complaints from the Burke school relative to the menace from golf balls as a result of the recent removal of the trees. The Board ordered First Assistant Superintendent Girod and Mr. Hickey to investigate the matter and report at the next meeting.

Aquatic Park-Improvements Suggested:

The Acting Secretary then read a letter from Mr. Ben D. Sexton suggesting various improvements at Aquatic Park and submitting photographs in connection therewith. The matter was held in abeyance for further study.

Park Employees Union request that Per Diem Men be changed to Monthly Basis:

Mr. John McLaughlin, representing the San Francisco Municipal Parks Employees Union then appeared before the Board and requested that the Mayor and the Board of Supervisors be petitioned for a supplemental budget requesting that per diem employees be put on a monthly basis. On motion of Commissioner Budde, duly seconded and carried, the following resolution was adopted:

Resolution No.293:

RESOLUTION NO. 293

RESOLVED unanimously by the Board of Park Commissioners that His Honor, the Mayor, be respectfully requested to recommend to the Honorable Board of Supervisors that the per diem employees be placed on a monthly basis as recommended by this Board in their 1940-41 budget.

Aquatic Park-Gordon Concession:

Mr. Sylvain D. Leipsic, Deputy City Attorney, then appeared before the Board and informed the members that all attempts to negotiate for a satisfactory settlement and a new lease with Leo and Kenneth Gordon, lessees at Aquatic Park, had proved unsatisfactory and requested further instructions from the Commission. After some discussion the Board adopted the following resolutions:

Resolution No. 294:

RESOLUTION NO. 294

RESOLVED unanimously by the Board of Park Commissioners that the Controller be requested to have an audit made of the accounts of LEO AND KENNETH GORDON, the lessees at AQUATIC PARK, from the date of occupancy to the present date.

Resolution No. 295:

RESOLUTION NO. 295

RESOLVED unanimously by the Board of Park Commissioners that the City Attorney be authorized to make final recommendation as to the terms of compromise and settlement of the existing lease as well as the terms and conditions of a new lease and if the present lessees fail to accept the proposition the City Attorney is hereby authorized and directed to take such steps as he considers necessary for the protection of the rights of the City and County of San Francisco.

J. Punnett Agreement for Services - 1st Unit Yacht Harbor:

At the request of the Acting Secretary the following Agreement was ordered incorporated into the minutes:

"THIS AGREEMENT, Made and entered into this 22nd day of April, 1940, between the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, and JOHN M. PUNNETT, duly licensed Engineer, and hereinafter called the Engineer:

W I T N E S S E T H :

"THAT WHEREAS the Board of Park Commissioners intends to construct the FIRST UNIT OF YACHT HARBOR EXTENSION situated east of and adjacent to the existing Yacht Harbor, and north of the Marina Sea Wall, Marina Park, San Francisco, California; and

"WHEREAS it is necessary to retain the services of a duly licensed engineer for the purpose of the preparation of the necessary plans and specifications for the construction of the aforesaid improvements, and for the general supervision of the work during construction;

"NOW, THEREFORE, the Board of Park Commissioners does hereby retain the Engineer for the purpose of having the necessary plans and specifications prepared for the above mentioned improvements, and for general supervision during construction, and the Engineer does hereby agree with the Board of Park Commissioners to have said plans and specifications prepared for said improvements and supervise the construction upon the following terms and conditions:

"TERMS AND CONDITIONS

(1) The Engineer agrees to provide

(a) Surveys and cross-sections of present fill

(b) Soundings covering area which will be included in the new development

(c) Yardage calculations

(d) Plans and specifications for letting contract for construction

"The Board of Park Commissioners agrees to pay to the Engineer for the services to be rendered in Paragraph (1) under subtitle "Terms and Conditions" the sum of Nine Hundred Thirty Five Dollars ($935.00) as payment for services stated in said paragraph (1), which shall become due and payable to the Engineer upon the completion and acceptance by the Board of Park Commissioners of the above mentioned services.

(2) The Engineer further agrees that after the contract has been let he will perform the following services:

"(a) Set the grades

(b) Run the necessary lines

(c) Generally supervise the construction of the improvements.

"The Board of Park Commissioners agrees to pay to the Engineer for the services to be rendered in Paragraph (2) the sum of Five Hundred Dollars ($500.00). Payment for services as stated in said Paragraph (2) shall become due and payable to the Engineer on the following terms:

Upon completion and certification of one-half of the proposed work the Engineer will be paid the sum of $250.00.

Upon completion and certification of the entire work the Engineer will be paid the remaining $250.00.

"The Board of Park Commissioners, during the performance of the work on any of the improvements herein provided for, shall retain a superintendent of construction who shall supervise the construction of all work to be done and performed on any of the said improvements and the Engineer shall lend and give to such superintendent of construction such help and aid as may be necessary to secure the performance of said work in accordance with the plans and specifications of said Engineer.

"The Contract herein entered into is personal between the Board of Park Commissioners and the Engineer and the Engineer shall not assign this contract nor permit the services herein required of him to be performed by any other person save than by himself of his duly authorized representatives, without the consent of the Board of Park Commissioners.

"IN WITNESS WHEREOF, the Board of Park Commissioners have caused this Agreement to be executed by the Secretary pursuant to the action of the Board of Park Commissioners at a regular meeting of the Board held April 25, 1940 and the Engineer has hereto set his hand, all of the day and year first above written.

BOARD OF PARK COMMISSIONERS

By JERRY LINARES
Acting Secretary

"(a) Set the grades

(b) Run the necessary lines

(c) Generally supervise the construction of the improvements.

"The Board of Park Commissioners agrees to pay to the Engineer for the services to be rendered in Paragraph (2) the sum of Five Hundred Dollars ($500.00). Payment for services as stated in said Paragraph (2) shall become due and payable to the Engineer on the following terms:

Upon completion and certification of one-half of the proposed work the Engineer will be paid the sum of $250.00.

Upon completion and certification of the entire work the Engineer will be paid the remaining $250.00.

"The Board of Park Commissioners, during the performance of the work on any of the improvements herein provided for, shall retain a superintendent of construction who shall supervise the construction of all work to be done and performed on any of the said improvements and the Engineer shall lend and give to such superintendent of construction such help and aid as may be necessary to secure the performance of said work in accordance with the plans and specifications of said Engineer.

"The Contract herein entered into is personal between the Board of Park Commissioners and the Engineer and the Engineer shall not assign this contract nor permit the services herein required of him to be performed by any other person save than by himself of his duly authorized representatives, without the consent of the Board of Park Commissioners.

"IN WITNESS WHEREOF, the Board of Park Commissioners have caused this Agreement to be executed by the Secretary pursuant to the action of the Board of Park Commissioners at a regular meeting of the Board held April 25, 1940 and the Engineer has hereto set his hand, all of the day and year first above written.

BOARD OF PARK COMMISSIONERS

By JERRY LINARES
Acting Secretary

"THE CONSTRUCTION OF THE FIRST UNIT OF YACHT HARBOR EXTENSION AT THE MARINA, SAN FRANCISCO

"THIS AGREEMENT, made this 11th day of April, A.D.1940, by and between HEALY-TIBBITTS CONSTRUCTION COMPANY, a California Corporation, with principal office located at 1100 Evans Avenue in the City and County of San Francisco, State of California, the party of the first part, and the BOARD OF PARK COMMISSIONERS of the CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, under and by virtue of the authority granted to them as such by the Charter of said City and County, the party of the second part, and for and on behalf of the said City and County.

"WHEREAS, the said party of the first part, as will more fully appear by reference to the record of proceedings of the Board of Park Commissioners of said City and County, on the 29th day of February A. D., 1940, has been awarded the contract for the work hereinafter mentioned:

"NOW, THEREFORE, THESE PRESENTS WITNESSETH, That the said party of the first part, for and in consideration of the premises aforesaid, and the consideration hereinafter mentioned, promises and agrees with the said Board of Park Commissioners, as such and not otherwise, that it will do and perform, in a good and workmanlike manner, under the direction and to the satisfaction of the said Board of Park Commissioners and John J. Funnett, its Consulting Engineer, and will prosecute said work with diligence from day to day to completion, and will furnish the materials used in the execution and completion thereof, to the satisfaction of said Board of Park Commissioners, all the following work in the City and County of San Francisco, to-wit:

THE CONSTRUCTION OF THE FIRST UNIT OF YACHT HARBOR EXTENSION AT THE MARINA.

"Said work to be commenced within ten calendar days and completed within ninety working days from the date the contract is certified to by the Controller of the City and County of San Francisco, as specified in the notice inviting proposals therefor.

"Said work shall be done according to the specifications, plans and sections hereunto annexed and made a part of this contract, and the materials used therein shall comply with the said specifications.

"And the wages and compensations to be paid for labor performed or services rendered under said contract shall be in accordance with the compensations provided for in said specifications.

"And the said Board of Park Commissioners, in behalf of the City and County of San Francisco, promises and agrees that upon the performance and fulfillment of the covenants aforesaid the City and County will pay or cause to be paid, in the manner provided by law, and set forth in the specifications herein, and made a part hereof, to said party of the first part, for the work aforesaid the following prices, to-wit:

"The Construction of the First Unit of Yacht Harbor Extension at Yacht Harbor, San Francisco, at the following price, to-wit: Twenty Two Thousand Nine Hundred Dollars ($22,900.00).

"Time is of the essence of this contract in all things.

"It is hereby stipulated that the said party of the first part shall forfeit, as a penalty, to the said City and County of San Francisco, ten (10) dollars for each laborer, workman or mechanic employed, in the execution of this contract, by the said party of the first part, upon the work in this contract specified, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of an Act of the Legislature of the State of California, entitled,

"'An act limiting the hours of service of laborers, workmen and mechanics employed upon the public works of, or work done for, the State of California, or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for enforcement thereof.' - approved March 10,1903, and of Section 653c of the Penal Code of California.

"And it is further understood and agreed by and between the parties of the first and second part hereto, that this contract is entered into in compliance with, and subject to, the conditions imposed by Sections 95 to 100, inclusive, of the Charter of said City and County of San Francisco.

"Also, it is agreed and understood by the parties to this agreement, that in no case, except where it is otherwise provided in said Charter, will the said City and County, or any department or officer thereof, be liable for any portion of the expense of the work aforesaid.

"In WITNESS WHEREOF, The Parties to these presents have hereunto set their hands and seals, and have executed this contract in triplicate, the day and year first above written.

"THIS CONTRACT MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

HEALY TIBBITTS CONSTRUCTION CO.
(Seal)

(Signed) By E. L. TURKINGTON
President

(ACKNOWLEDGMENT BY NOTARY)

BOARD OF PARK COMMISSIONERS
CITY AND COUNTY OF SAN FRANCISCO

(Signed) HERBERT FLEISHHACKER
President

JERRY LINARES
Acting Secretary

APPROVED AS TO FORM
JNO. J. O'TOOLE, City Attorney
By E.P.Bergerot, Dep. City Atty.

Meeting Adjourned: There being no further business to come before the Board the meeting adjourned at 6:20 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
June 13, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, June 13, 1940, at 4:15 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. John J. Lermen
Com. Henry F. Budde
Com. George H. Sandy

Absent:

Com. Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then duly adopted as the minutes of the regular meeting held May 23, 1940.

Res. No. 296- Payment, San Andreas Pump Contract:

The Acting Secretary presented a request for payment for the reconstruction of the San Andreas Pumps at Sharp Park. The following resolution was adopted by the Board:

RESOLUTION NO. 296

RESOLVED unanimously by the Board of Park Commissioners that payment in the amount of $5,268.00 be authorized to FRED J. EARLY, JR. CO. in accordance with contract for the Reconstruction of the San Andreas Pump Plant in San Mateo County.

Sight-seeing Trains, G.G. Park:

In the matter of Sight-Seeing Trains, Commissioner John J. Lermen reported that he had informed Mr. Ray Williamson, attorney for Mr. Steve Rice, that the Commission would only issue a revocable license for such a concession. Mr. Williamson then requested that

the matter be held in abeyance until such time as he would have had an opportunity to discuss it with his client.

Res. No. 297- Fund Transfers and Allotments:

The following resolution was then adopted by the Board:

RESOLUTION NO. 297

RESOLVED unanimously by the Board of Park Commissioners, that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-101-03 Salaries, Zoo Division	912-350-02 Foodstuffs, Revenue Division	$3806.46
912-103-03 Wages, Zoo Division	912-103-02 Wages - Revenue Division	2500.00
912-818-00 Public Liability Insurance	912-103-02 Wages - Revenue Division	4410.00
912-101-01 Permanent Salaries, Gen.Div.	912-103-02 Wages - Revenue Division	3915.77
912-101-11 Permanent Salaries - Part Time	912-103-02 Wages - Revenue Division	159.85
912-101-02 Permanent Salaries - Rev. Div.	912-103-02 Wages Revenue Division	1119.65
912-200-02 Contractual Services - Rev.Div.	912-300-02 Materials & Supplies - Rev. Div.	225.00
912-324-03 Forage, Zoo Division	912-300-03 Materials & Supplies - Zoo Div.	200.00
912-218-01 Concerts, General Division	912-300-01 Materials & Supplies - Gen.Div.	820.20
912-324-01 Forage, General Division	912-300-01 Materials & Supplies - Gen.Div.	768.60
912-800-01 Fixed Charges, General Division	912-300-01 Materials & Supplies - Gen. Div.	1500.00
912-806-00 Retirement Allowance - Gen.Div.	912-300-01 Materials & Supplies - Gen.Div.	1600.00
912-800-02 Lafayette Park Land	912-800-01 Fleishhacker Playfield Land	229.87

ALLOTMENTS

912-600-03	McLaren Park Land	$4,000.00
912-600-01	Fleishhacker Playfield Land	8,567.01

Proposal of Lee Dougan for lease of land Golf Practice Course:

The Acting Secretary next presented a communication from Mr. Walter McGovern, attorney for Mr. Lee Dougan, with reference to a reduction in rental under the proposed lease for a golf practice range, due to the fact that there was no sewer line and to install same would cost considerable money. Mr. Dougan then informed the Board that Dr. Geiger had refused to consent to the installation of a septic tank and it would be impossible for him at this time to make any provision for lavatory facilities.

The Acting Secretary also reported to the Commission that he had asked the City Attorney for an opinion as to whether or not it was legal for the Board to enter into a three year lease of this property with Mr. Dougan, and that he had not as yet received a reply.

President Fleishhacker then requested that Mr. Dougan set forth in writing his new proposal and that he discuss the matter with Commissioner Budde before the next meeting of the Board.

Water Supply-SRA Camp Sharp Park:

Mr. D. A. Newell and Mr. Bert Wimerton, representing the Bureau of Resident Projects of the State Relief Administration, next appeared before the Board in connection with the SRA Camp at Sharp Park, requesting that the Board grant the State Relief Administration a permit for permanent occupancy and also authority to drill and case a water well.

At Commissioner Lermen's suggestion, the Chairman instructed the Acting Secretary to refer the entire matter to the City Attorney and to request that he advise the Board accordingly.

Aquatic Park-Suggested Improvements:

Mr. A. A. Bertrand next appeared before the Board requesting that the Commissioners give consideration to his plan for improving the beach at Aquatic Park. President Fleishhacker suggested that he go over the details of the plan with Construction Superintendent Bart Rolph for further study.

President Fleishhacker then reported to the Commission that he had appeared before the Works Projects Administration Coordinating Committee, and that a sum of money had been allocated to the Commission for the improvement of the beach and the building at Aquatic Park. It was also suggested that the Commissioners meet with an official of the Works Projects Administration the following week to discuss plans for this expenditure.

Aquatic Park-Status of City Atty. Negotiations with Gordons:

There was next presented and ordered filed a communication dated June 3, 1940 from Deputy City Attorney Sylvain Leipsic, outlining the status of negotiations with Leo and Kenneth Gordon, Aquatic Park Concessionaires.

GJOA rehabilitation Contract No.2:

The Acting Secretary reported that one bid had been received for the Stripping Down, Trussing and Preserving of the Amundsen Memorial Ship "Gjoa". The bid was submitted by J. L. Stuart Manufacturing Company on a cost plus 15% basis for the maximum lump sum bid of $9,025.00. On motion of Commissioner Lermen, duly seconded and carried, the following resolution was then adopted:

RESOLVED unanimously by the Board of Park Commissioners that the contract be awarded to the J. L. STUART MANUFACTURING CO. upon the terms and conditions of the bid, provided this bid and

and the conditions of the bid be approved beforehand by the City Attorney and the Controller.

G. G. Park Band-Contract requested by Controller: The Acting Secretary then reported that he had received a communication from the Controller's office that it would be necessary to enter into a written contract for the services of the Director of the Golden Gate Park Band for the fiscal year 1940-41. The Acting Secretary was instructed to refer the matter to the City Attorney.

Renewal of Lease U.S. Coast Guard Station: A letter was then read from the Treasury Department, U.S. Coast Guard, expressing their intention of renewing the lease for the site of the Lookout Station at Point Lobos, for a period of one year beginning July 1, 1940 and ending June 30, 1941.

On motion of Commissioner Lermen, seconded by Commissioner Budde and unanimously carried, the renewal of the lease was granted and the communication ordered filed.

Aquatic Park-Notice to Gordons to Pay Rent or Vacate: President Fleishhacker reported to the Board that on the date of this meeting, June 13, 1940, he had signed, in the name of the Commission, the following document prepared by the City Attorney. On motion of Commissioner Lermen, duly seconded and carried, the Board ratified President Fleishhacker's Action in signing this order in accordance with the advice of the City Attorney.

"To

LEO GORDON AND KENNETH GORDON, jointly and severally, individually and as co-partners, and as lessees under that certain lease dated September 21, 1938, entered into between the Board of Park Commissioners of the City and County of San Francisco, as Lessor, and said Leo Gordon and Kenneth Gordon, as Lessees:

"YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that by reason of your failure and neglect to pay the rentals reserved to the Lessor in that certain lease dated September 21,1938, entered into by and between the Board of Park Commissioners of the City and County of San Francisco, as Lessor, and Leo Gordon and Kenneth Gordon, jointly and severally, individually and as copartners, as Lessees, you are in default in the payment of the rentals reserved in said lease, towit: from the 1st day of March, 1939, to the 31st day of May, 1940, at the monthly minimum guaranteed rental of one thousand dollars ($1,000.00) per month, making a total of fifteen thousand dollars ($15,000.00); and

"YOU ARE HEREBY NOTIFIED that upon your failure to pay the rental due under the terms of said lease, towit: the said sum of fifteen thousand dollars ($15,000.00), from the 1st day of March,1939, to the 31st day of May, 1940, the Board of Park Commissioners will avail itself of the privilege and option of re-entering upon the premises demised in said lease, and will terminate the said lease, and repossess the premises demised in said lease and expel the lessees and all persons claiming under them from the said premises, all as provided in paragraph 14 of the aforesaid lease, and said termination of said lease and said re-entry upon the said premises shall be without prejudice to the exercise of any remedy that the undersigned lessor may have to recover possession of said premises or to recover any amount of rent that may be due to said lessor for said premises.

"YOU ARE FURTHER NOTIFIED that unless said rent, as herein demanded, is paid within ten (10) days after service of this notice upon you, pursuant to the terms of said lease, towit, paragraph 14 thereof, the lessor hereby elects to declare a forfeiture of said lease.

"The said premises are located in the Aquatic Park Building and Grounds situate in the City and County of San Francisco, State of California, and are more particularly described as follows:

ON THE FIRST FLOOR:

Grand Concession (designated as Room #F.1)
Storage space in the rear of the Grand Concession (designated as Room #F.10)
Additional Concession spaces designated as #1 and #2.

ON THE SECOND FLOOR:

Restaurant (designated as Room #S.8)
Lobby and entrance to restaurant.
Kitchen (designated as Room #S.7)

THIRD FLOOR:

Main Gallery or Banquet Room, together with the space designated as Room #T.1, and the pantry east of said space;

FOURTH FLOOR:

The entire space designated as the Concession space.

COMFORT STATION #1 located at the intersection of Van Ness Avenue and the railroad which runs to Fort Mason
Space designated as Concession space.

COMFORT STATION #2 located at the end of the Municipal Pleasure Pier. Space designated as Concession space.

DATED: June 13,1940.

Board of Park Commissioners of the City and County of San Francisco,

(Signed) By HERBERT FLEISHHACKER
President. "

Road Closing, New Drive from 25th Ave. south:

A communication from Mr. B. M. Pilhashy was next read and it was the unanimous opinion of the Board that this letter should be referred to the Chief of Police for consideration and recommendation.

Aquatic Park- Request to Use Rainbow Room:

A request from Mr. T. Yuen Chen for the use of the Rainbow Room at Aquatic Park for dancing was next discussed and denied in accordance with the established policy for use of the building.

Closing of Aquatic Park Building at 6:00 P.M.

The Board next unanimously approved the recent action in closing the Aquatic Park Building at 6:00 P.M.

Request for Scooters in Playgrounds:

The communication from Mr. Alfred Lenormand, requesting the use of Quintow Scooters at the Children's Playground was denied.

Lincoln Park- War Dept. Request to Construct Conduit and Manhole:

There was next presented a letter from the Commanding General's Office, Headquarters of the Ninth Corps Area, requesting that the War Department be granted permission to construct and maintain a four multiple clay conduit, and to construct a four foot manhole in Lincoln Park. On motion of Commissioner Lermen, seconded by Commissioner Sandy and duly carried, the Board unanimously granted this permission.

McLaren Park Appropriation Balance to 1940-41 Budget:

Upon recommendation of the Director of Property, the Acting Secretary was instructed to petition the Controller to carry forward the balance remaining in the McLaren Park Land Purchase Fund to the 1940-41 Appropriation.

McLaren Park Land Purchases:

Upon request of the Director of Property the Board then approved the following purchases for the McLaren Park Development:

Lot 1A	Block 6106	
" 6A	" 6137	
" 5 & 9	" 6138	$700.00
Lot 6	Block 6138	400.00
Lots 2 & 3	" 6106	750.00
" 4 & 13	" 6104	1107.00

Yacht Harbor-Gas House Cove Concessions:

Mr. J. R. Hickey, Athletic Organizer, reported to the Board that he had investigated the occupancy of Mr. Peterson on the property at Gas House Cove, and that it was his recommendation that he be permitted to continue under a revocable permit. The matter was ordered held in abeyance pending submission by Mr. Peterson of his proposal.

The requests for a permit to operate concession stands in the vicinity of Gas House Cove from Mr. James M. Thomas and Mr. Isidor Ringel were then denied as a matter of policy.

Commission Membership in American Institute of Park Executives, Authorized:

The Acting Secretary was next authorized to secure membership in the American Institute of Park Executives for the Board of Park Commissioners, effective July 1, 1940.

State Sales Tax Report:

With reference to the report of Field Audit, Sales Tax Division, State Board of Equalization, the Acting Secretary reported that he had discussed the matter with the Deputy City Controller who had advised that the Board would have to meet this obligation and requested that the matter be left in his hands. It was so ordered by the Board.

Request for 5½ acres of Laurel Hill Cemetery for Park Purposes:

A letter from Mrs. Jerome Hart, requesting the assistance of the Board in urging the City and County of San Francisco to accept a 5½ acre grant in the Laurel Hill Cemetery for park purposes, was next discussed. It was the consensus of opinion that it would be very unwise for the City to acquire any

additional land for park purposes unless sufficient funds were appropriated by the Board of Supervisors for proper maintenance.

Transportation Allowance for J. R. Black:

Res. 298 and Res. 298-A:

Upon recommendation of First Assistant Superintendent Julius Girod, the Board then adopted the following resolutions:

RESOLUTION NO. 298

RESOLVED unanimously by the Board of Park Commissioners that a transportation allowance of $30.00 a month to James R. Black, Supervisor of Equipment, be authorized, effective July 1, 1940.

RESOLUTION No. 298-A

RESOLVED unanimously by the Board of Park Commissioners that effective July 1, 1940, until these orders are rescinded, James R. Black, Supervisor of Equipment, be granted a monthly gasoline allowance of 100 gallons and a change of lubricating oil to reimburse him for using his own car for transportation in making inspection of various jobs under his supervision.

Resolution No. 299 Equipment, New Zoo Restaurant:

The following resolutions were then adopted by the Board approving the purchase of equipment:

RESOLUTION NO. 299

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to transmit requisitions to the Purchaser of Supplies for purchases of the following equipment necessary for the restaurant at the new Zoo, and to charge the cost thereof to Appropriation No. 912.400.02:

Req. No.	Article	Est. Amount
3365	White Metal Foot Rail	$75.45
3366	Stainless Steel Coffee Maker	75.45
3367	Counter Stools Complete	176.13
3368	Counter - Back Bar Cases Display Cases	575.00
3369	Peanut Roaster	92.50
3370	Carbonator	180.00
3388	Glassware, Crockery & Silverware	105.00
		$1279.53

Resolution No. 300 - Park Equipment:

RESOLUTION NO. 300

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to transmit requisitions to the Purchaser of Supplies for the purchase of the following equipment necessary for the operation of the Park, and to charge the cost thereof to Appropriation No. 912-400-01:

1 Bitumel Spreader, est. cost	$600.00
1 Goldak Pipe Locator " "	225.00

Resolution No. 301 Station Wagon, Zoo Division:

RESOLUTION NO. 301

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to transmit a requisition to the Purchaser of Supplies for the purchase of one station wagon, estimated to cost $882.00, and to charge the cost thereof to Appropriation No. 912-400-03 - Equipment, Zoo Division.

Court Order Approving Arboretum Site:

The Acting Secretary was then instructed to incorporate into the minutes the following court order approving the Arboretum site:

"IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO.

"In the Matter of the Estate)
-of-) No. 46,097
HELENE STRYBING,) Dept. No.9
Deceased.)

"ORDER APPROVING LOCATION FOR ARBORETUM

"NOW COMES the Board of Park Commissioners of the City and County of San Francisco, State of California, by JOHN J. O'TOOLE, its attorney, and proves to the satisfaction of the Court, and

"THE COURT FINDS that the Petition for Approval respecting the location for the establishment of the arboretum in Golden Gate Park was duly filed, and the matter coming on regularly for hearing, after examining said Petition and hearing the evidence, the Court finds that all of the allegations of said Petition are true and that the location for the arboretum referred to and mentioned in said Petition satisfies the said provisions and conditions of the last will and testament of the above named decedent and

"IT IS THEREFORE ORDERED by the Court that said arboretum should be located in that portion of land in Golden Gate Park in the City and County of San Francisco, State of California, described as follows:

"BEGINNING at a point on the Northeast corner of Nineteenth Avenue and Lincoln Way; thence running easterly along the south boundary of Golden Gate Park to the westerly line of the Ninth Avenue entrance to the park: thence running northerly along the Westerly line of

"the new Ninth Avenue Drive to the intersection of the said Westerly line of the new Ninth Avenue Drive with the southerly line of Middle Drive; thence Westerly along the southerly line of the South Drive to the Easterly line of Cross-over Drive; thence Southerly and along the Easterly line of Cross-over Drive to the point of beginning.

"IT IS FURTHER ORDERED that the establishment of said arboretum at the location hereinabove set forth satisfies the provisions and conditions of the last will and testament of Helene Strybing, deceased, decrees of distribution and orders approving accounts of trustee and that said location will fulfill all the purposes of the trust for which said money and property were so devised and bequeathed, pursuant to the terms and conditions of the last will and testament of the said Helene Strybing, deceased.

"Done in open Court this 28th day of May, 1940.

(Signed) FRANK H. DUNNE
JUDGE OF THE SUPERIOR COURT

"FILED
May 28, 1940
H.A. van der Zee, Clerk
By _____
Deputy Clerk "

Duncanson-Harrelson Cont. Yacht Harbor:

The Board then ordered that the contract with Duncanson-Harrelson Company for the Pulling and Driving of Piles at Yacht Harbor be incorporated in the minutes, as follows:

"PULLING AND DRIVING OF PILES AT YACHT HARBOR, MARINA, SAN FRANCISCO.

THIS AGREEMENT, made this 6th day of May, A.D. 1940, by and between The Duncanson-Harrelson Co., a California corporation, with principal office located at the deYoung Building in the City and County of San Francisco, State of California, the party of the first part, and the

"Board of Park Commissioners of the City and County of San Francisco, State of California, under and by virtue of the authority granted to them as such by the Charter of said City and County, the party of the second part, and for and on behalf of the said City and County.

"WHEREAS, the said party of the first part, as will more fully appear by reference to the record of proceedings of the Board of Park Commissioners of said City and County, on the 15th day of February, A.D. 1940, has been awarded the contract for the work hereinafter mentioned:

"NOW, THEREFORE, THESE PRESENTS WITNESSETH, That the said party of the first part, for and in consideration of the premises aforesaid, and the consideration hereinafter mentioned, promises and agrees with the said Board of Park Commissioners, as such and not otherwise, that it will do and perform, in a good and workmanlike manner, under the direction and to the satisfaction of the said Board of Park Commissioners, and will prosecute said work with diligence from day to day completion, and will furnish the materials used in the execution and completion thereof, to the satisfaction of said Board of Park Commissioners, all the following work in the City and County of San Francisco, to-wit:

"THE PULLING OF DAMAGED PILES AND DRIVING NEW PILES AT YACHT HARBOR, MARINA, SAN FRANCISCO.

"Said work to be commenced within ten calendar days and completed within thirty calendar days from the date the contract is certified to by the Controller of the City and County of San Francisco, as specified in the notice inviting proposals therefor.

"Said work shall be done according to the specifications and plan hereunto annexed and made a part of this contract, and the material used therein shall comply with the said specifications.

"And the wages and compensations to be paid for labor performed or services rendered under said contract shall be in accordance with the compensations provided for in said specifications.

"And the said Board of Park Commissioners, in behalf of the City and County of San Francisco, promises and agrees that upon the performance and fulfillment of the covenants aforesaid the City and County will pay or cause to be paid, in the manner provided by law, and set forth in the specifications herein, and made a part hereof, to said party of the first part, for the work aforesaid the following prices, to-wit:

"For pulling damaged piles and driving new piles at Yacht Harbor, Marina, San Francisco, California.

"Lump sum bid for furnishing materials, labor, machinery, and equipment for pulling and replacing of piles as shown and specified. TWENTY-THREE HUNDRED FORTY-SEVEN DOLLARS..$2,347.00

"In the event that when pulling piles not specified above, in order to place the driver in position, such piles should show any serious defects and should be condemned by the engineer, the price of the pile for replacement, per lineal foot FIFTY FIVE CENTS 55

"Price per lineal foot to pull and drive an inshore new pile ONE DOLLAR SIXTY CENTS. . . 1.60

"Price per lineal foot to pull and drive an outshore new pile ONE DOLLAR TWENTY CENTS... 1.20

"Price per lineal foot of new creosoted piles not included in previous item to be driven in place EIGHTY CENTS 80

"The entire cost of the work to be done under this contract not to exceed the sum of $3,500.00

"Time is of the essence of this contract in all things.

"It is hereby stipulated that the said party of of the first part shall forfeit, as a penalty, to the said City and County of San Francisco, ten (10) dollars for each laborer, workman, or mechanic employed, in the execution of this contract, by the said party of the first part, or by any sub-contractor under said party of the first part, upon the work in this contract specified, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of an Act of the Legislature of the State of California, entitled,

"'An act limiting the hours of service of laborers, workmen and mechanics employed upon the public works of, or work done for, the State of California, or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for enforcement thereof." - approved March 10,1903, and of Section 653c. of the Penal Code of California.'

"And it is further understood and agreed by and between the parties of the first and second part hereto, that this contract is entered into in compliance with, and subject to, the conditions imposed by Sections 95 to 100, inclusive, of the Charter of said City and County of San Francisco.

"Also, it is agreed and understood by the parties to this agreement, that in no case, except where it is otherwise provided in said Charter, will the said City and County, or any department or officer

thereof, be liable for any portion of the expense of the work aforesaid.

"IN WITNESS WHEREOF, The parties to these presents have hereunto set their hands and seals, and have executed this contract in triplicate, the day and year first above written.

"THIS CONTRACT MUST BE ACKNOWLEDGED BEFORE A NOTARY. PUBLIC.

THE DUNCANSON-HARRELSON CO.

By D. O. HARRELSON JR. (Seal)
President

(ACKNOWLEDGMENT)

E. W. JOHNSON (Seal)
Secretary

JERRY LINARES, Acting Secretary
For Park Commission of the City and County of San Francisco

(ACKNOWLEDGMENT)

APPROVED AS TO FORM:

REYNALD J. BIANCHI
Deputy City Attorney "

Construction Report:

The following reports were next presented and ordered filed by the Board:

Construction Report for work during May and work programmed for June.

Profit & Loss Statement:

Profit & Loss Statement for ten months ending April 30, 1940.

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 5:45 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
June 20, 1940

Special Meeting: A special meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, June 20,1940, at 4:15 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. John J. Lermen
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each Commissioner, were then duly approved as the minutes of the regular meeting held June 13,1940.

Resolution No. 302 - Fund Transfers: The Board then adopted the following resolution:

RESOLUTION NO.302

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers:

From Appropriation No.	To Appropriation No.	
912-800-01 Fixed Charges, Gen.Div.	912-300-01 Materials & Supplies, Gen.Div.	$410.99
912-800-01 Fixed Charges, Gen.Div.	912-400-01 -Equipment Gen. Div.	117.79
912-800-01 Fixed Charges, Gen.Div.	912-500-11 -Rehabilitation of "Gjoa"	5.38
912-800-01 Fixed Charges,Gen.Div.	912-300-03 Materials & Supplies - Zoo Div.	566.96
912-350-02 Foodstuffs Revenue Div.	912-103-02 Wages - Rev. Div.	1,400.00

Resolution No.303 - Telegraph Hill Staircase

The following resolution was then adopted by the Board of Park Commissioners:

RESOLUTION NO. 303

RESOLVED unanimously by the Board of Park Commissioners that First Assistant Superintendent Julius L. Girod be authorized to proceed immediately with the construction of a staircase at Telegraph Hill in accordance with the plans and specifications as approved by the Commission, at a cost not to exceed the sum of SevenHundred Dollars, and that the Controller be requested to transfer the amount of Seven Hundred Dollars ($700.00) from appropriation No. 912-800-01 - Fixed Charges, General Division, to appropriation No. 912-500-13 - Telegraph Hill Staircase.

Award of Contract No.2 GJOA:

The Board next adopted the following resolution:

RESOLUTION NO. 304

RESOLVED unanimously by the Board of Park Commissioners that a contract be awarded to the J. L. STUART CO. for the Stripping Down, Trussing and Preserving of the Amundsen Memorial Ship GJOA, in Golden Gate Park, San Francisco, and that payment therefor in an amount not to exceed Nine Thousand and Twenty-five Dollars ($9,025.00) be made from funds available in Appropriation No. 912.500.11.

Huddart Park Water Pipe Repairs:

A communication from the office of the City Attorney regarding maintenance of Huddart Park water lines was presented and ordered held in abeyance.

Traffic Conditions in Park:

There next appeared before the Board, Capt. Munn of the Police Department to discuss the complaints filed with the Commission against the barriers at Cross-over Drive. First Assistant Superintendent Julius Girod presented a report showing the traffic load across this drive and recommending that the barriers be removed. Capt. Munn was in accord with this recommendation and suggested that a "No Left Turn" sign be placed at the intersection of By-pass Drive and Cross-over Drive. The Board then instructed First Assistant Superintendent Girod to install the sign and remove the barrier.

Police Protection:

The need of additional police protection in the park was then stressed by First Assistant Superintendent Julius Girod, especially during the late afternoon hours. On motion of Commissioner Budde, duly seconded and carried, it was resolved unanimously by the Board of Park Commissioners that the Chief of Police be requested to furnish two additional plain clothes men to patrol the park during the hours needed.

Francis Chinn-Request for change in Classification:

The Board next considered a recommendation for a classification for Mr. Francis Chinn from Surveyor to Architect Designer, submitted by First Assistant Superintendent Julius Girod. On motion of Commissioner Lermen, seconded by Commissioner Sandy, the following resolution was adopted subject to the approval of the Controller.

RESOLUTION NO. 305

RESOLVED unanimously by the Board of Park Commissioners that First Assistant Superintendent Julius Girod be authorized to perform the acts

necessary to change the classification of Mr. Francis Chinn from Surveyor to Architect Designer at a compensation of Ten Dollars ($10.00) per day to become effective July 1, 1940.

Public Telephone Japanese Tea Garden:

The Board next approved the request of Mr. George Hagiwara of the Japanese Tea Garden to have installed a public pay telephone for the convenience of the public.

McLaren Park-Request for Oiling of Brazil Ave:

The Acting Secretary next presented a communication from the Southern Council of Civic Clubs requesting the oiling of Brazil Avenue through McLaren Park. The request was denied due to lack of funds.

Huddart Park-Report on Proposed CCC Camp:

A report from First Assistant Superintendent Julius Girod relative to the requirements in connection with a proposed Citizens' Conservation Corps Camp at Huddart Park was presented and ordered filed.

"Pioneer Mother" Statue to be Placed in Memorial Grove:

Upon recommendation of First Assistant Superintendent Julius Girod, the Board then authorized the placing of the "Pioneer Mother" statue in Memorial Grove at the rear of the Log Cabin at the close of the Exposition, when it is to be returned from Treasure Island.

Request for Temporary Concession at Aquatic Park:

The request of Mr. Max Philipps for a temporary permit to sell candy, magazines, soft drinks and hot dogs in one of the rotundas or on the ground floor of the Casino at Aquatic Park was denied as a matter of policy.

Hobart schedule New Zoo:

A schedule from Lewis Hobart showing list of buildings necessary to complete the San Francisco Zoological Gardens, with costs to construct them, was ordered held in abeyance and copies requested to be sent to each Commissioner.

Huddart Park-Request for Boy Scout Camp:

The request of Boy Scout Troop "400" for permission to establish a camp at Huddart Park was next discussed. The Board was unanimous in the opinion that it would be unwise at this time to grant permission to any one group for the reason that there were no funds available to provide adequate sanitation facilities.

P.G.&E. Claim for Damages - Resolution No.306:

The claim of the Pacific Gas & Electric Co. in the amount of $8.18 covering damage to street light unit on pole at Fell and Shrader Streets, by Park employees while trimming trees on May 8, 1940, was next presented. The Commissioners, having been satisfied that the claim had been properly filed with the Controller and the City Attorney, then adopted the following resolution:

RESOLUTION NO. 306

RESOLVED unanimously by the Board of Park Commissioners that payment be made to the Pacific Gas & Electric Company in the amount of $8.18 for damages, in accordance with their claim filed June 8,1940, with the Controller.

Resolution No.236 Rescinded - R.Hudson Transportation Allowance:

First Assistant Superintendent Julius Girod next called to the attention of the Board the fact that a transportation allowance was no longer necessary for Roy Hudson. The Board then ordered that Resolution No. 236 be rescinded.

Harding Blvd. Repairs:

President Fleishhacker next informed the Board that he had been advised by Supervisor John Ratto, Chairman of the Streets Committee, that it might be possible to make temporary repairs to Harding Blvd.

without expense to the Commission. It was the unanimous opinion of the Board that First Assistant Superintendent Julius Girod meet with Mr. Sherman P. Duckel of the City Engineer's Office and co-ordinator for the WPA, to work out the necessary details in order that this work might proceed without delay.

Proposed Drive Through McLaren Park:

President Fleishhacker also reported that he had discussed with Supervisor Ratto the completion of a drive through McLaren Park. Mr. Julius Girod was instructed to discuss the matter with Col. Skeggs and prepare the necessary preliminary plans.

Union Request to Retain Engineering Division at Same Salaries:

Mr. John O'Connell, Secretary of the Labor Council, next appeared before the Board and made objection to curtailing the employment of four men in the Engineering Department from a six day week to a five day week, requesting that the Board retain the employees at no reduction in salary.

After some discussion it was moved by Commissioner Lermen, seconded and duly carried, that the matter be referred to the office of the Controller and the City Attorney for an opinion.

Union Request for Hearing with Finance Chairman:

Mr. John McLaughlin, representing the San Francisco Municipal Parks Employees Union, next appeared before the Commission, requesting that he be given a hearing with the Chairman of the Finance Committee prior to July 1, 1940, relative to the allocation of wages for the various classifications. Due to the fact that Commissioner Budde would be out of the City until after that date, Commissioner Sandy was requested to discuss the matter with him.

Mr. McLaughlin further expressed appreciation on behalf of the Union for the excellent cooperation

received from Commissioner Sandy in arbitrating satisfactorily several cases which had come before them, including the hours of work for the employees at Aquatic Park, the Hilmer case, and the Dez Hughes case.

Disposal of Surplus Animals at Zoo:

The Acting Secretary then presented a report from Mr. Fred Chatten, Acting Director of the Zoo, relative to a surplus of animals now at the Zoo. After a brief discussion, motion was made by Commissioner Lermen, seconded and carried, that the Acting Secretary be instructed to request an opinion from the City Attorney as to the legal rights of the Board of Park Commissioners

(1) to dispose of any animals or birds in the Zoo or in any property under the jurisdiction of the Board of Park Commissioners which are in excess of the number needed, either by sale or exchange.

(2) to destroy any animals or birds in the Zoo or in any other property under the jurisdiction of the Board of Park Commissioners

(a) which are in excess of the number needed and cannot be disposed of otherwise

(b) if they are old and decrepit

(c) if dangerous to human life or limb, or any other species of animal life.

Discussion of Elephant Train License:

Mr. Ray Williamson then appeared before the Board to ask that the Board reconsider its opinion relative to issuing only a revocable license for a sight-seeing train concession, inasmuch as this would make it impossible for his client to finance the project. After a discussion Commissioner Lermen was asked to give the matter further thought to see if some more satisfactory arrangement could be agreed upon.

Unit No.2 Yacht Harbor-John Punnett to submit costs for Plans:

Mr. J. R. Hickey, Athletic Organizer, then asked that Mr. John Punnett be requested to submit a proposal of costs to prepare plans and specifications for the construction of Unit No.2 of Yacht Harbor Extension. It was so ordered by the Board.

Suggested Improvements-Aquatic Park:

The Acting Secretary presented a letter from the Secretary of the North Beach Improvement Club endorsing a communication from Mr. Ben Sexton relative to improvements at Aquatic Park. The communications were given due consideration and ordered filed.

Proposed Rhododendron Dell:

The Acting Secretary then read the following communication:

"HERBERT FLEISHHACKER
200 Bush Street
June 13, 1940

"Board of Park Commissioners
San Francisco, California

"Gentlemen:

"In June 1926 a group of admirers of John McLaren joined me in creating a fund to be used in some form of tribute commemorating the 80th birthday of John McLaren.

"This fund has always been kept and is now in the Anglo California National Bank of San Francisco, and at this time, with interest added, amounts to $20,400.00.

"I now desire to turn this fund to the Board of Park Commissioners to be expended for the purpose of developing, under their supervision, a Rhododendron and Azalea Dell in Golden Gate Park which shall be dedicated to John McLaren as an everlasting tribute to his great work in developing rare specimens of Rhododendrons and Azaleas, for which he has earned the enviable reputation as the outstanding horticulturist in the world.

"A plan has been outlined for this proposed Rhododendron and Azalea Dell and members of the Board of Park Commissioners have been advised as to its details by Mr. Julius Girod, First Assistant Superintendent of Parks, who has approved the project and has assured members of the Board that when this development is completed it will be the finest Rhododendron and Azalea Dell in the world, and that it will add much to the many beauties of Golden Gate Park.

"The fund is sufficient to provide for a sponsorship contribution to WPA to complete this project. Authorities of the WPA have already expressed a desire to cooperate and are anxious that this project be commenced immediately.

"The Board of Park Commissioners will not be obliged to ask the City and County of San Francisco to furnish any money, for the fund is sufficient to purchase rare specimens of Rhododendrons and Azaleas and to carry out the project to completion.

"It is my desire that the Board of Park Commissioners accept this fund and that they commence work on this project immediately so that this tribute to our beloved Superintendent of Parks, John McLaren, be completed during his lifetime.

"I suggest that a copy of this communication be transmitted to City Attorney John J. O'Toole with the request of the Board of Park Commissioners that he prepare a form of offer to, and acceptance by the Park Board, to carry out properly and in accordance with his views the intent of this transfer of funds.

Yours very truly,

(Signed) HERBERT FLEISHHACKER"

On motion of Commissioner Lermen, the Acting Secretary was requested to refer the matter to the City Attorney in accordance with the closing paragraph thereof, with the request that he prepare a form of "offer to" and "acceptance by" the Park Board.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:50 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
June 27, 1940

The regular meeting of the Board of Park Commissioners to be held on Thursday, June 27, 1940, was postponed due to the lack of a quorum.

G. J. Linares
Acting Secretary

"The fund is sufficient to provide for a sponsorship contribution to WPA to complete this project. Authorities of the WPA have already expressed a desire to cooperate and are anxious that this project be commenced immediately.

"The Board of Park Commissioners will not be obliged to ask the City and County of San Francisco to furnish any money, for the fund is sufficient to purchase rare specimens of Rhododendrons and Azaleas and to carry out the project to completion.

"It is my desire that the Board of Park Commissioners accept this fund and that they commence work on this project immediately so that this tribute to our beloved Superintendent of Parks, John McLaren, be completed during his lifetime.

"I suggest that a copy of this communication be transmitted to City Attorney John J. O'Toole with the request of the Board of Park Commissioners that he prepare a form of offer to, and acceptance by the Park Board, to carry out properly and in accordance with his views the intent of this transfer of funds.

Yours very truly,

(Signed) HERBERT FLEISHHACKER"

On motion of Commissioner Lermen, the Acting Secretary was requested to refer the matter to the City Attorney in accordance with the closing paragraph thereof, with the request that he prepare a form of "offer to" and "acceptance by" the Park Board.

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:50 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
July 11, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, July 11, 1940, at 4:45 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. John J. Lermen
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each Commissioner were then duly approved as the minutes of the Special Meeting held June 20, 1940.

The Board then adopted the following resolutions:

Resolution No. 307 - Fund Transfers & Allotments:

RESOLUTION NO. 307

RESOLVED unanimously by the Board of Park Commissioners, that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-800-01 Fixed Charges	912-804-00 Awards, Damages	$3.18
912-900-01 Services - Other Departments	912-500-14 Sewage Treatment Plant Bldg.	400.00
912-103-52 Wages, Sick Leave - Revenue Div.	912-103-01 Wages - General Division	469.77
912-103-52 Wages, Sick Leave - Revenue Div.	912-103-03 Wages - Zoo Division	412.54
912-103-53 Wages, Sick Leave - Zoo Division	912-103-02 Wages Revenue Division	243.50

Resolution No.310 - Employees Titles:

RESOLUTION NO. 310

WHEREAS it has been brought to the attention of the Board of Park Commissioners that many of the titles now appearing in the existing salary ordinance are inaccurate and do not definitely describe the work performed by the employees of the Park Department; and

WHEREAS a proper designation of the duties of each employee will be more clearly defined in a rearrangement of such titles;

NOW, THEREFORE, BE IT RESOLVED that the Board of Park Commissioners, unanimously approve the revised list of employee titles as herewith submitted; and

BE IT FURTHER RESOLVED that the First Assistant Superintendent be authorized to petition the Civil Service Commission to perform the acts necessary to make the changes in titles effective.

Resolution No. 311 - Closing of Beach Chalet:

RESOLUTION NO. 311

RESOLVED unanimously by the Board of Park Commissioners that the closing of the Beach Chalet be authorized, effective July 15, 1940, and until this resolution is rescinded.

Resolution No.312 - Band Leader Contract Authorized:

RESOLUTION NO. 312

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to enter into a contract, and execute same in the name of the Board of Park Commissioners, with Harry Payson for his services as Acting Director of the Golden Gate Park Band, said contract to be revocable by the Commission on fifteen days written notice; payment to be in the amount of $336.40 for each concert.

RESOLUTION NO. 313

Resolution No. 313 - F.Chatten to use "Zoo Director's House":

RESOLVED unanimously by the Board of Park Commissioners that Mr. Fred Chatten be authorized to occupy the "Zoo Director's House", effective August 1, 1940, and until this resolution is rescinded.

Huddart Park Water Supply & Pipe Line Maintenance:

An opinion from the City Attorney with reference to the repairs to the pipe lines on the Huddart property was ordered held in abeyance, together with a communication received from Chickering and Gregory, attorneys at law regarding the obligation of the City to supply water to the property recently purchased from the Mary Huddart estate by their client James Flood.

Requests for Animals from Fleishhacker Zoo:

Communications from the Mayor of Martinez, from Mr. Sidney Snow of the Oakland Zoo, and from Mr. Terrell Jacobs, Treasure Island, requesting some of the excess animals from the Fleishhacker Zoo were next presented and ordered held in abeyance pending an opinion from the office of the City Attorney as to the right of the Board to dispose of these animals.

Request to Lease Aquatic Park Casino:

A communication from Grace Perego, agent, relative to the leasing of the Aquatic Park Casino was ordered held in abeyance pending the outcome of present litigation.

Request for Shelter - Mission Park:

The request of the Eureka Valley Improvement Club to place a shelter at Mission Park was denied due to lack of funds

Marina Blvd. Repaving Requested: The request of the Marina Merchants Association, Inc. re paving of the Marina Esplanade between Webster and Scott Streets was next discussed, and the matter referred to Commissioner John Lermen, Chairman of the Roads and Structures Committee for further investigation and report to the Board at a subsequent meeting.

Gordon Audit-Aquatic Park: The request from the Controller's office for a copy of the audit of Leo and Kenneth Gordon accounts at Aquatic Park was next discussed and the Acting Secretary instructed to request the City Attorney to procure same.

Request for Fountains - Union Square: A communication from J. B. de las Casas, asking that two fountains similar to those in the Civic Center be constructed in Union Square, was next presented and the request denied due to lack of funds available at this time.

Police Protection-G.G.Park: The Acting Secretary then presented a letter from the Chief of Police denying for the present the Commission's request for additional Police Protection in Golden Gate Park. After some discussion it was moved by Commissioner Budde, duly seconded and carried, that the report of First Assistant Superintendent Girod on the need for additional men be sent to the Chief of Police together with a further request from the Board that the matter be reconsidered.

Arboretum - Voting Proxy Strybing Bequest Funds: The Board next authorized Commissioner Budde, Chairman of the Finance Committee to sign and present a voting proxy for the annual meeting of the stockholders of the San Francisco Bank, stock of the Bank being held in the Strybing Bequest Fund.

Archery Project Completion Requested:

A communication from the Milwaukee Archers requesting completion of the Works Projects Administration Archery field project at 46th Ave. and Fulton Street was next presented, and the Acting Secretary instructed to send a copy of this letter to Mr. Wm. Lawson, Administrator, Work Projects Administration.

H. Peterson Concession- Gas House Cove Yacht Harbor:

On recommendation of Mr. J. R. Hickey, the Board of Park Commissioners granted permission to Mr. H. Peterson to continue using the property recently acquired by the Board, and occupied by him, at Gas House Cove, on a month to month tenancy basis at $50.00 per month, effective immediately.

McLean Bequest Funds - Renewal of Ghirardelli Note - Res. No.314:

At the request of the Acting Secretary the following resolution was then adopted:

RESOLUTION NO. 314

WHEREAS a Promissory Note for one year, dated November 26, 1935, and in the amount of Two Thousand Seven Hundred Sixty-five Dollars ($2765.00) with interest at the rate of nine (9) per cent per annum payable monthly, signed by Angela Ghirardelli and John Ghirardelli, secured by a Deed of Trust of certain real property and a Chattel Mortgage of certain personal property is now wholly due and unpaid; and

WHEREAS the said Angela Ghirardelli and John Ghirardelli have requested a renewal of said note;

NOW, THEREFORE, BE IT RESOLVED that the Board of Park Commissioners does hereby express its willingness to renew said note with interest at 6% per annum, payable one day after date.

BE IT FURTHER RESOLVED that the said Angela Ghirardelli and John Ghirardelli be requested to execute a new note for Two Thousand Seven Hundred Sixty-five Dollars ($2765.00) payable to the Board of Park Commissioners, secured by a Deed of Trust and Chattel Mortgage of the same properties described in the aforesaid Deed of Trust and Chattel Mortgage, and to furnish the Board of Park Commissioners at her expense with a policy of title insurance showing the property to be free and clear of all liens and encumbrances except the Deed of Trust and Chattel Mortgage to be executed to this Board as security for the payment of such renewal Note.

Repairs to Harding Blvd. & Gr. Highway-Bd. of Works:

President Herbert Fleishhacker next reported that Mr. A. D. Wilder, Director of the Department of Public Works, had informed him that funds had been made available from Gasoline Tax moneys for a temporary repair of Harding Blvd. and the Great Highway, and that work would commence immediately.

The Board next discussed the question of whether or not Harding Blvd. and the Great Highway had ever been dedicated for park purposes. At Commissioner Lermen's request, the Acting Secretary was instructed to investigate this further and report at the next meeting.

Elephant Train License, held in abeyance:

The matter of the granting of a license to Mr. Steve Rice for a sight-seeing concession in Golden Gate Park was referred to Commissioner Lermen for further recommendation.

Lease proposed by Lee Dougan-Golf Practice Range:

The Acting Secretary next presented a letter from Mr. Lee Dougan outlining his new proposal to lease a parcel of land near the Fleishhacker Zoo for a golf practice range. The matter was referred to Commissioner Budde with full power to act.

S.R.A. Water Supply - Sharp Park:

Mr. D. A. Newell, representing the Bureau of Resident Projects of the State Relief Administration, next appeared before the Board requesting a reply in the matter of a long term permit of occupancy and permission to sink a water well on the premises. He was informed by the Board that the City Attorney had not yet rendered a written opinion, but had advised the Acting Secretary that the Board had no authority to grant a lease or permission to sink a well, as this act would be in violation of the terms of the Sharp Park Bequest and the Charter provisions.

Mr. Newell then asked that a meeting be arranged between himself and a committee from the Board. President Fleishhacker appointed Commissioners Budde and Lermen to meet with Mr. Newell on this matter.

Proposed Shelter - Sutro Heights: Commissioner Lermen next presented to the Board for consideration preliminary plans and sketches of the proposed Diorama Shelter at Sutro Heights, and reported that this structure would be constructed at no expense to the Board, that funds for this would be provided by His Honor the Mayor. After some discussion the Board accepted the preliminary plans and sketches subject to whatever changes might be made with Commissioner Lermen's approval.

Aquatic Park-Rowing Club Buildings: A communication from the Allied Rowing Clubs was next presented requesting that their representative meet with the Board to discuss plans and specifications for facing the Rowing Club buildings at Aquatic Park. The matter was referred to First Assistant Superintendent Julius Girod with a request for a report at the next meeting.

Landscaping Assistance Requested by City Engineer Office: The Acting Secretary next presented a communication from the City Engineer's Office requesting assistance of employees of the Park Department for certain landscape work. The matter was referred to First Assistant Superintendent Girod with recommendation to assist them in any way possible.

City Engineer's request for use of Bldg. for "Mapping Parks & Squares Project: A communication was next presented from the City Engineer's Office requesting permission to occupy the two story frame building, more particularly known as the "Rock Residence", on the north side of Kezar Drive, west of Stanyan Street, to house the "Mapping of Parks and Squares" project, and offering

to perform necessary repairs such as painting, electrical work, replacement of glass, etc. at no expense to the Board. This request was granted with the understanding that it would be revocable at the pleasure of the Board.

Sharp Park-Changes in State Highway:

Plans prepared by the State Highway Commission for the realignment of the State Highway through the Sharp Park Properties were submitted by Mr. J. R. Hickey. After some discussion by members of the Board Commissioner Lermen stated that in view of the fact that the property had been given to the Board of Park Commissioners for Park purposes, the Board of Park Commissioners might not have the power to grant to the State Highway Commission any portion of the land for highway purposes; that it might require an action by the State Highway Commission against the Board of Park Commissioners to condemn the necessary amount of land.

On motion of Commissioner Lermen, duly seconded and carried, the matter was ordered referred to City Attorney John J. O'Toole for his opinion.

Resolution No.315 - Closing of Aquatic Park Bathing Facilities:

The following resolution was then adopted:

RESOLUTION NO. 315

WHEREAS the Director of Public Health has advised this Board that the waters of Aquatic Park are unsafe for bathing;

NOW, THEREFORE, BE IT RESOLVED that the locker and dressing quarters and all other bathing and swimming facilities be closed, effective July 15,1940, and until such time as the cause of this condition has been corrected.

John McLaren Dell - Acceptance:

The Acting Secretary next presented the following communication:

"July 10,1940

"Board of Park Commissioners
Park Lodge, San Francisco

"Gentlemen:

In conformity with the suggestions made in letter addressed to you under date of June 13,1940, the undersigned makes to the Board of Park Commissioners of the City and County of San Francisco a tender of $20,400.00 as a trust fund to be used by the Board of Park Commissioners for the purpose of developing a rhododendron

and azalea dell in Golden Gate Park which shall be dedicated to Mr. John McLaren as an everlasting tribute to his monumental work in developing rare specimens of rhododendrons and azaleas, as well as a testimonial to him for the great work which he has done in developing Golden Gate Park and other parks throughout the City and County of San Francisco, and as a further testimonial to him as being one of the outstanding horticulturists in the world.

"This said rhododendron and azalea dell, when completed, shall contain a pla que or plate of suitable size and design to be determined by the Board of Park Commissioners which will indicate the purpose of the establishment of said rhododendron and azalea dell.

"Upon the acceptance of the said sum of $20,400.00 hereinabove mentioned for the purpose herein specified, you, the said Board of Park Commissioners, will agree to maintain the same in perpetuity and to properly care for the same to the end that said dell will at all times continue to accomplish the purpose for which it was dedicated.

"I, the undersigned, representing the donors of this fund ask that you promptly advise me as to your intentions of accepting the above mentioned sum for the purpose herein set forth.

"Very truly yours,

(Signed) HERBERT FLEISHHACKER".

The Board then adopted the following resolution:

Resolution No.316 - Acceptance of Funds for "John McLaren" Dell:

RESOLUTION NO. 316

WHEREAS, certain citizens of the City and County of San Francisco, represented by Herbert Fleishhacker, have collected and accumulated the sum of Twenty Thousand Four Hundred ($20,400.00) Dollars for the purpose of developing a rhododendron and azalea dell in Golden Gate Park which shall be dedicated to Mr. John McLaren as an everlasting tribute to his monumental work in developing rare specimens of rhododendron and azalea, as well as a testimonial to him for the great work which he has done in developing Golden Gate Park and other parks throughout the City and County of San Francisco, and a further testimonial to him as being one of the outstanding horticulturists in the world; and

WHEREAS, said citizens have tendered to this Commission the said sum of Twenty Thousand Four Hundred ($20,400.00) Dollars as a trust fund to be used by it for the aforesaid purpose; and

WHEREAS, the Board of Park Commissioners believes that it will be for the best interests of said Golden Gate Park that said offer of said Twenty Thousand Four Hundred ($20,400.00) Dollars tendered as aforesaid, be accepted for the purpose for which it was tendered and that it is fitting and proper that a suitable testimonial should be erected in Golden Gate Park to John McLaren during his lifetime as a tribute to his monumental work in developing specimens of rhododendron and azalea, as well as a testimonial to him for the great work which he has done in developing Golden Gate Park and other parks throughout the City and County of San Francisco, and as a further testimonial to him as being one of the outstanding horticulturists in the world,

NOW, THEREFORE, BE IT RESOLVED that the Board of Park Commissioners accept from the donors above mentioned the said sum of Twenty Thousand Four Hundred ($20,400.00) Dollars as a trust fund to be used by the said Board of Park Commissioners for the purpose of developing a rhododendron and azalea dell in Golden Gate Park which shall be dedicated to Mr. John McLaren as an everlasting tribute to his monumental work in developing rare specimens of rhododendron and azalea, as well as a testimonial to him for the great work which he has done in developing Golden Gate Park and other parks throughout the City and County of San Francisco, and as a further testimonial to him as being one of the outstanding horticulturists in the world; and the said Board of Park Commissioners does hereby agree with said donors that said sum above specified shall be used for the aforesaid purposes and that when said dell is completed the said Board of Park Commissioners will erect in a suitable spot in said dell a plaque or plate of suitable size and design which will indicate the purpose of the establishment of said rhododendron and azalea dell; that said Board of Park Commissioners will care for and maintain said dell in perpetuity for the purposes for which it is established;

BE IT FURTHER RESOLVED that the Board of Park Commissioners offers to the donors above mentioned its sincere thanks for said donation and it congratulates said donors upon the public spirit which they have shown in providing said fund for so worthy a cause;

AND BE IT FURTHER RESOLVED that a copy of this resolution be sent to each of the donors above mentioned and that a copy thereof be also sent to the Controller of the City and County of San Francisco when said sum is paid to the said Board of Park Commissioners to the end that the whole thereof may be properly identified and held in the Treasury of the City and County of San Francisco for the purpose for which it is donated.

BOARD OF PARK COMMISSIONERS
Herbert Fleishhacker
Henry F. Budde
John J. Lermen
George H. Sandy
Parker S. Maddux

G. J. Linares
Acting Secretary

The following reports, copies of which had been sent to each Commissioner, were then ordered filed:

Profit & Loss Statement:

Profit and Loss Statement for 11 months ending May 31, 1940

Construction Report:

Construction Report submitted by Superintendent of Construction, Bert Rolph, covering work for the month of June and work programmed for July, 1940.

GJOA Contract No. 2

The following contract, awarded to the J. L. Stuart Company for rehabilitation of the GJOA was then ordered incorporated in the minutes of this meeting:

"THE STRIPPING DOWN, TRUSSING AND PRESERVING OF THE GJOA"

"THIS AGREEMENT, made this 21st day of June, 1940, by and between THE J. L. STUART MANUFACTURING COMPANY, a California corporation, with principal office located at 37 Front Street, in the City and County of San Francisco, State of California, the party of the first part, and the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, State of California, under and by virtue of the authority granted to them as such by the Charter of said City and County, the party of the second part, and for and on behalf of the said City and County.

"WHEREAS the said party of the first part, as will more fully appear by reference to the record of the proceedings of the Board of Park Commissioners of said City and County on the 20th day of June, 1940, has been awarded the contract for the work hereinafter mentioned:

"NOW, THEREFORE, THESE PRESENTS WITNESSETH, That the said party of the first part, for and in consideration of the premises aforesaid, and the consideration hereinafter mentioned, promises and agrees that the said Board of Park Commissioners, as such and not otherwise, that it will do and perform, in a good and workmanlike manner, under the direction and to the satisfaction of the said Board of Park Commissioners and its duly accredited agents, and will prosecute said work with diligence from day to day to the completion and will furnish the materials used in the execution and completion thereof to the satisfaction of said Board of Park Commissioners, all the following work in the City and County of San Francisco, to-wit:

"THE STRIPPING DOWN, TRUSSING AND PRESERVING OF THE GJOA.

"Said work to be commenced within ten calendar days and completed within 90 working days from the date the contract is certified to by the Controller of the City and County of San Francisco as specified in the notice inviting proposals therefor.

"Said work shall be done according to specifications hereunto annexed and made a part of the contract, and the materials used therein shall comply with the said specifications.

"And the wages and compensations to be paid for labor performed or services rendered under said contract shall be in accordance with the compensations provided for in said specifications.

"And the said Board of Park Commissioners in behalf of said City and County of San Francisco, promises and agrees that upon the performance and fulfillment of the covenants aforesaid the City and County will pay or cause to be paid in the manner provided by law and set forth in the specifications herein and made a part hereof to said party of the first part for the work aforesaid in the following manner to-wit:

On the basis of cost plus 15%, said cost plus 15% to be calculated in accordance with Addenda No.1 to the Specifications, upon which said party of the first part presented its bid as follows:

"Item No.

(1) LABOR Wages paid for labor reasonably required to accomplish this work, employed directly on this job at rates prescribed by ordinance for work done under contract; for those employments not scheduled in the ordinance, at the prevailing union wage scale therefor. No Overtime will be allowed.

(2) SUPERINTENDENCE One superintendent at the rate of $300.00 per month for the actual time required to complete this contract, the total time, however, not to exceed 3 months. $900.00

(3) SOCIAL SECURITY TAX - 1% of (1) plus (2)

(4) TOTAL of items (1) (2) & (3)

(5) OVERHEAD All costs and expenses not elsewhere herein specifically provided, including the following:
Insurance - Compensation, public liability, property damage.
Transportation of employees, materials and equipment.
Indirect labor and supervision.
Miscellaneous expenses.
29% of Item (4)

"(6) DIRECT MATERIALS The cost thereof including Sales Tax, actually used and essential to the proper performance of this job; of proper quality for purposes used, at not to exceed open market prices; not including charges for cartage.

(7) PLANT AND EQUIPMENT Flat charge for use of plant and equipment furnished by contractor including fuel and supplies, repairs, depreciation, loss or damage. $375.00

Lump sum for total job ----------

(8) TOTAL of items (4) (5) (6) and (7)

(9) PROFIT - 15% of Item (8) _____

(10) PERFORMANCE BOND Premium, not to exceed 1½% of (8) plus (9) _____

(11) TOTAL Computation by Cost-plus formula

(12) MAXIMUM that may be billed, per contract

- - - - - - - - - - - -

LUMP SUM BID - Nine Thousand and Twenty-five and 00/100 Dollars ($9,025.00)

"And it is expressly understood and agreed that the Board of Park Commissioners shall not pay in excess of the sum of Nine Thousand and Twenty-five Dollars ($9,025.00), the amount of the lump sum bid.

"Time is of the essence of this contract in all things.

"It is hereby stipulated that the said party of the first part shall forfeit, as a penalty, to the said City and County of San Francisco, ten (10) dollars for each laborer, workman or mechanic employed, in the execution of this contract, by the said party of the first part, upon the work in this contract specified, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of an Act of the Legislature of the State of California, entitled, 'An act limiting the hours of service of laborers, workmen and mechanics employed upon the public works of, or work done for, the State of California, or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for enforcement thereof.' - Approved March 10, 1903, and of Section 653c of the Penal Code of California.

"And it is further understood and agreed by and between the parties of the first and second part hereto, that this contract is entered into in

"compliance with, and subject to, the conditions imposed by Sections 95 to 100, inclusive, of the Charter of said City and County of San Francisco.

"Also it is agreed and understood by the parties to this agreement, that in no case, except where it is otherwise provided in said Charter, will the said City and County, or any department or officer thereof, be liable for any portion of the expense of the work.

"IN WITNESS WHEREOF, The Parties to these presents have hereunto set their hands and seals, and have executed this contract in triplicate, the day and year first above written.

"THIS CONTRACT MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

J. L. STUART MANUFACTURING CO.

(Acknowledgement) By J. L. STUART, Pres.

BOARD OF PARK COMMISSIONERS
FOR THE CITY AND COUNTY OF
SAN FRANCISCO

(Acknowledgement) JERRY LYNARES
Acting Secretary

HERBERT FLEISHHACKER

APPROVED AS TO FORM

REYNALD J. BIANCHI
Deputy City Attorney "

Meeting Adjourned: There being no further business to come before the Board the meeting adjourned at 6:00 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
July 25, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, July 25, 1940, at 4:15 P.M.

There were present:

Pres. Herbert Fleishhacker
Com. John J. Lermen
Com. Henry F. Budde
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each Commissioner were then duly adopted as the minutes of the Regular Meeting held July 11, 1940.

McLaren Park Land Purchases- Supervisors' Resolutions:

The following resolutions of the Board of Supervisors were ordered incorporated in the minutes of this meeting:

"LAND PURCHASE - McLAREN PARK
RESOLUTION NO. 1128
(Series of 1939)

"RESOLVED, In accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from CHARLES L. SMITH, et ux., or the legal owners, to Lot 6, Assessor's Block 6136, San Francisco, required for the proposed McLaren Park, and that the amount of $400.00 be paid for said land from Appropriation No. 912.600.03.

"The City Attorney shall examine and approve the title to said property.

"Adopted-- Board of Supervisors, San Francisco, July 1, 1940.

"Ayes: Supervisors Brown, McGowan, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon.

"Absent: Supervisors Colman, McSheehy, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.
DAVID A. BARRY, Clerk.
"Approved, San Francisco, July 2, 1940.
ANGELO J. ROSSI, Mayor."

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 1129
(Series of 1939)

"RESOLVED, In accordance with the recommendation of the Park Department, that the City and County of San Francisco accept deeds from the following named parties, or the legal owners, to certain land situated in the City and County of San Francisco, State of California, required for the proposed McLaren Park, and that the sums set forth below be paid for said land from Appropriation No. 912.600.03.

JAMES MADISON ESTATE CO. $750.00
Lots 2 and 3, Assessor's Block 6106
and Lots 4 and 13, Assessor's Block 6104

BERT NORDMAN, et al.,..... 1107.00
Lot 5, Assessor's Block 6285

The City Attorney shall examine and approve the title to said property.

"Approved by the Director of Property.

"Adopted--Board of Supervisors, San Francisco, July 1, 1940.

"Ayes: Supervisors Brown, McGowan, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon.

"Absent: Supervisors Colman, McSheehy, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

"Approved, San Francisco, July 2,1940.

ANGELO J. ROSSI,
Mayor."

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 1130
(Series of 1939)

"RESOLVED, In accordance with the recommendation of the Park Department, that the City and County of San Francisco, a municipal corporation, accept a deed from SALARAC LAND COMPANY, or the legal owners, to Lot 1A, Assessor's Block 6106, Lot 6A, Assessor's Block 6137 and Lots 5 and 9, Assessor's Block 6138, San Francisco, for the proposed McLaren Park, and that the sum of $700.00 be paid for said land from Appropriation No. 912.600.03.

"The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, July 1,1940.

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 1129
(Series of 1939)

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"Absent: Supervisors Colman, McSheehy, Uhl.

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DAVID A. BARRY,
Clerk.

"Approved, San Francisco, July 2,1940.

ANGELO J. ROSSI,
Mayor."

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"The City Attorney shall examine and approve the title to said property.

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"Absent: Supervisors Colman, McSheehy, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

"Approved, San Francisco, July 2, 1940.

ANGELO J. ROSSI,
Mayor."

Designation New Zoo Requested:

A communication from William Mooser, Jr., District Manager of the Federal Works Agency, Work Projects Administration, Northern California, requesting an expression from the Board as to the intended official designation for the new zoological gardens in Fleishhacker Park, was next presented and ordered held in abeyance for further study.

New Zoo Completion by WPA:

A further communication from William Mooser, Jr., relative to the completion dates of various units of Work Projects Administration Projects 8965 and 11645 in connection with the new Zoo and their release to the Park Commission, was presented and ordered filed.

Permit for Fire Hydrant Telegraph Hill:

A request from the Board of Fire Commissioners was then unanimously approved for permission to install a high pressure fire hydrant on the west side of Telegraph Hill Blvd. approximately 126 ft. east of Kearny Street.

Request for Loam Denied:

A communication from the Jefferson-Lafayette Improvement Club, requesting the donation of a few loads of good earth for flower beds on the old site of the Lowell High School on Sutter Street, was denied as a matter of policy.

Union request concerning re-titling of Employees:

There next appeared before the Board Mr. Andrew Gallagher, representing the San Francisco Municipal Parks Employees Union, requesting an opportunity to examine the list of the new titles given to those employees in the park who are members of this union. After a discussion by the Commissioners, Mr. Julius Girod, First Assistant Superintendent, was directed to submit the list as requested by Mr. Gallagher, and it was agreed that this matter would be left in the hands of Commissioner Sandy.

Labor Day Float:

On behalf of the San Francisco Municipal Parks Employees Union, Mr. Gallagher then asked for the cooperation of the Board in constructing a float for the Labor Day parade. The Commissioners expressed themselves as being unanimously in favor of rendering this assistance to the Union, provided the cost were not prohibitive, and directed First Assistant Superintendent Girod to confer with Mr. Gallagher and submit a report at the next meeting.

Union request Wage Increase Appropriation:

Mr. J. R. Gerhart, Business Representative of the Building Material Drivers Union Local 216, next appeared before the Board to discuss the possibilities of obtaining an additional appropriation for the purpose of increasing the wages of certain employees to the same rate as that received by other employees performing the same work in other municipal departments. The Board assured Mr. Gerhart that they would appreciate any effort on his part to make these funds available.

Employees Protests re New Titles:

The Board next discussed the protests of two employees relative to the change in titles as

approved by the Commission at the last meeting. After a brief discussion the matter was ordered referred to Commissioner Sandy.

Repair of Marina Esplanade:

Commissioner John J. Lermen, Chairman of the Roads and Structures Committee next reported to the Board that he had examined the Marina Esplanade from Webster to Scott St. and found it greatly in need of repair. He further stated that it might be possible to obtain Gasoline Tax Funds for the reconstruction and repaving of that area. On motion of Commissioner Lermen, the Acting Secretary was instructed to communicate with the Board of Public Works.

Tree Removal Jefferson St.:

A communication from A. D. Wilder, Director of the Department of Public Works, requesting approval of the Board before issuing permit to Mr. S. F. Johnson to remove six trees and top others on property on Jefferson Street between Baker and Lyon in accordance with previous authorization of the Board April 13,1939, was next presented. The matter was referred to Commissioner Lermen with full power to act. Mr. Johnson was present at the meeting relative to this matter and arrangements were made for him to meet Commissioner Lermen the following morning to select those trees to be removed.

Strybing Bequest Funds:

A communication from the City Controller regarding miscellaneous assets in the Strybing Bequest Fund held by the City Treasurer for the account of the Park Commission, was referred to Commissioner Budde with full power to act.

Floral Display Requested by O.E.S.:

A request from the Grand Chapter of California, Order of the Eastern Star, for a floral display in front of the Conservatory during their triennial assembly, September 13 to 18, was presented and regretfully denied as a matter of policy.

Requested Change in Signs:

The request of the Park-Presidio Improvement Association for a change in the wording of signs from "Richmond" to "Park-Presidio" was ordered held in abeyance pending a report from First Assistant Superintendent Girod.

Archery Field Project:

The Acting Secretary next read the reply from the Work Projects Administration relative to the Board's request for the completion of the Archery Field project. The communication stated that an investigation was being conducted with a view to carrying the work through to completion in the very near future. The Acting Secretary was instructed to forward a copy of this letter to the Ahwahnee Archers for their information.

Jurisdiction Great Highway & Harding Blvd:

In the matter of the jurisdiction of the Great Highway and Harding Blvd., the Acting Secretary reported that records showed that the Great Highway had been dedicated for park purposes, but that he had failed to find any evidence showing that Harding Blvd. had ever been formally dedicated. Com. Lermen then offered to communicate with the attorneys of the Sutro estate to see if they had any further information on this matter.

Proposed Lease- Golf Practice Course:

Commissioner Budde reported that he had reached an agreement with Mr. Lee Dougan for the leasing of a parcel of land near the Fleishhacker Playfield for a golf practice course, and that the

request had been made upon the City Attorney's office to prepare the lease agreement.

At the request of the Acting Secretary the following resolution was then adopted:

RESOLUTION NO. 318

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to enter into a contract, and execute same in the name of the Board of Park Commissioners, with Lee Dougan to lease a parcel of land for a Golf Practice Range near the Fleishhacker Playfield for a term of one year, with a one year option of renewal, at Fifty Dollars ($50.00) a month.

Resolution No.317 - Transfers & Allotments:

The following resolution was next adopted by the Board:

RESOLUTION NO. 317

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.	To Appropriation No.	
912-300-01 Materials & Supplies	963-231-12 (Gas & Electricity)	$ 170.81
912-300-01 Materials & Supplies	045 Helen Strybing Bequest	487.34

ALLOTMENTS

012-500-09 (Yacht Harbor Extension - 2nd Unit)	$1200.00
012-400-03 (Equipment - Commissary Unit)	324.45
012-300-01 (Materials & Supplies - General)	5000.00

Request for Animals:

A telegram from Mr. Harry M. Beckelman of Los Angeles was next read by the Acting Secretary, requesting particulars for the purchase of a pair of black leopards from the Fleishhacker Zoo. After a general discussion the following resolution was adopted:

RESOLUTION NO. 319

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to perform the necessary acts to consummate the sale of two black leopards from the surplus of animals at the Fleishhacker Zoo.

Sharp Park SRA Camp:

Commissioner John J. Lermen reported that in the matter of the Sharp Park State Relief Administration Camp he and Commissioner Budde were to confer the following day with Mr. Newell, the State Relief Administration representative, and would have a report at a later meeting.

Park Publication Praised:

President Fleishhacker then read a letter from Mr. P. Tremain Loud, Manager of the Hotel Californian, written in behalf of the hotel men of San Francisco, complimenting the Board on the recent folder published under the title of "San Francisco's All Year Parks Invite You". Commissioner Budde then commended the employees of the Park and the Convention and Tourist Bureau for their excellent work in assisting with the compiling of material for this pamphlet.

Parking Lot Lincoln Way & Great Highway:

Superintendent John McLaren next requested permission to enlarge the parking area located on the beach at the Great Highway and Lincoln Way. The Board requested that Mr. T. N. Grabow investigate

the matter and submit a report at the next meeting.

Profit & Loss Statement:

A Profit and Loss Statement for the twelve months period ending June 30, 1940, copies of which had been sent to each of the Commissioners, was ordered filed.

Agreement-John Punnett Services 2nd Unit Yacht Harbor Extension:

The following contract with John M. Punnett for engineering services, duly authorized by resolution No. 309, was ordered incorporated in the minutes of this meeting:

"THIS AGREEMENT, made and entered into this 15th day of July, 1940 A.D., between the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, and JOHN M. PUNNETT, duly licensed Engineer, and hereinafter called the Engineer:

W I T N E S S E T H :

"THAT WHEREAS the Board of Park Commissioners intends to construct the SECOND UNIT OF YACHT HARBOR EXTENSION situated east of and adjacent to the existing Yacht Harbor, and north of the Marina Sea Wall, Marina Park, San Francisco, California; and

"WHEREAS it is necessary to retain the services of a duly licensed engineer for the purpose of the preparation of the necessary plans and specifications for the construction of the work during construction;

"NOW, THEREFORE, the Board of Park Commissioners does hereby retain the Engineer for the purpose of having the necessary plans and specifications prepared for the above mentioned improvements, and for general supervision during construction, and the Engineer does hereby agree with the Board of Park Commissioners to have said plans and specifications prepared for said improvements and supervise the construction upon the following terms and conditions:

"TERMS AND CONDITIONS

"The Engineer agrees to provide

(1) A survey for soundings and cross-sections.

(2) Plans and specifications, and cross-sections for project, including flushing outlet and piles for Yacht berths.

(3) Necessary blueprints of plans and specifications.

"The Engineer further agrees that after the contract has been let he will perform the following services:

"(1) Stake out project for construction work.

(2) Generally inspect and supervise the construction of the project.

(3) Make final survey for acceptance of the project.

"The Board of Park Commissioners agrees to pay to the Engineer for the services to be rendered, the sum of Twelve Hundred Dollars ($1200.00) as payment for services. Payment for services as stated shall become due and payable to the Engineer on the following terms:

"Upon completion and acceptance by the Board of Park Commissioners of the plans and specifications, the Engineer will be paid the sum of Five Hundred Dollars ($500.00).

"Upon completion and acceptance by the Board of Park Commissioners of the project, more specifically referred to as the 'Second Unit of Yacht Harbor Extension' the Engineer shall be paid the sum of Seven Hundred Dollars ($700.00).

"The Board of Park Commissioners, during the performance of the work on any of the improvements herein provided for, shall retain a superintendent of construction who shall supervise the construction of all work to be done and performed on any of the said improvements and the Engineer shall lend and give to such superintendent of construction such help and aid as may be necessary to secure the performance of said work in accordance with the plans and specifications of said Engineer.

"The contract herein entered into is personal between the Board of Park Commissioners and the Engineer and the Engineer shall not assign this contract nor permit the services herein required of him to be performed by any other person save than by himself or his duly authorized representatives, without the consent of the Board of Park Commissioners.

"IN WITNESS WHEREOF, the Board of Park Commissioners have caused this Agreement to be executed by the Secretary pursuant to the action of the Board of Park Commissioners at a regular meeting of the Board held July 11, 1940, and the Engineer has hereto set his hand, all of the day and year first above written.

"THIS CONTRACT MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

JOHN M. PUNNETT
Engineer

(ACKNOWLEDGED)

BOARD OF PARK COMMISSIONERS

APPROVED AS TO FORM

By JERRY LINARES
Acting Secretary

JNO. J. O'TOOLE
City Attorney

(SEAL) "

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 5:50 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
August 7, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Wednesday, August 7, 1940, at 4:00 P. M.

There were present:

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. John J. Lermen
Com. George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then duly adopted as the minutes of the regular meeting of July 25, 1940.

McLaren Park Land Purchase:

Upon request of the Director of Property the Board then approved the purchase of the following property for the McLaren Park Development:

Lot 1-B	Assessor's Block	6106	$200.00
Lot 17	"	6138	200.00

The Board then adopted the following resolutions:

Res. No. 320 H.S. Peterson Yacht Harbor:

RESOLUTION NO. 320

RESOLVED unanimously by the Board of Park Commissioners that the Acting Secretary be authorized to grant HAROLD S. PETERSON a month to month permit for the use of a portion of the property on Beach Street between Laguna and Buchanan, generally known as Gas House Cove, for a boat mooring and fishing concession at Fifty Dollars ($50.00) per month, said permit to be revocable at the will and pleasure of the Board of Park Commissioners.

Res. No.321
Allotment:

RESOLUTION NO. 321

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Allotment:

Appropriation No.
012-900-01 (Services Other Departments-General Division) $500.00

- - - - -

Res. No.322
Payment:

RESOLUTION NO. 322

RESOLVED unanimously by the Board of Park Commissioners that the following bill be approved and ordered paid in connection with contract for constructing the First Unit of Yacht Harbor Extension:

Healy Tibbitts Construction Co.
Payment on Contract $5,152.50

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Request for McLaren Park Land Purchase:

A communication from Erwin L. Smith for the Commission to purchase parcel of property in front of McLaren Park on Woolsey Street was next presented and the Acting Secretary was instructed to refer the matter to the Director of Property.

Protection requested for Bicyclists:

The request from the Parkside District Improvement Club to provide runways for cyclists was denied due to lack of funds.

Request for Rifle Range:

The request from the County Council of the American Legion requesting the Board to establish a small-bore rifle range, preferably at Sharp Park, was ordered held in abeyance pending a further report from Mr. Joseph R. Hickey.

Pacific Tel. & Tel. - Conduit McLaren Park:

A communication from the Pacific Telephone and Telegraph Company asking permission to install a conduit and manholes across McLaren Park was discussed and, upon recommendation of Mr. T. M. Grabow, was granted by the Board.

Parking Lot at Beach:

A report from Mr. Grabow on the enlargement of the parking lot at the Beach was considered and ordered held in abeyance.

Policy - Leave of Absence:

The Acting Secretary then presented a request for a leave of absence from Bernard Muller. The matter was referred to First Assistant Superintendent Girod with full power to act.

Lee Dougan Contract:

On motion of Commissioner Budde, duly seconded and carried, the contract as prepared by the City Attorney's office for the lease of a parcel of property near the Fleishhacker Playfield to Lee Dougan for a golf practice range was approved subject to Mr. Dougan providing the Park Commission with a Public Liability Insurance Policy in favor of the Commission.

S.F. Municipal Parks Employees Union Request for Holidays:

Representatives of the San Francisco Municipal Parks Employees Union next appeared requesting the Commission to adopt a resolution granting seven legal holidays a year to laborers employed on a monthly basis. After a brief discussion the matter was ordered held in abeyance for further study.

Request for use of bird pens at Zoo:

A request from the Sports Women's Club of San Francisco asking for the use of pens in Fleishhacker Zoo for sponsorship in raising game birds, expenses to be assumed by the club, was next presented and ordered held in abeyance for further investigation.

City Atty Opinion re Traffic Regulation G. G. Park

The following opinions from the City Attorney were ordered incorporated:

"OPINION OF CITY ATTORNEY

July 26, 1940.

"SUBJECT: Traffic Regulation in Golden Gate Park.

Gentlemen:

" In answer to your recent inquiry concerning the right of the Board of Park Commissioners to establish the rate of speed and to make other traffic regulations governing vehicles traveling through Golden Gate Park, you will please be advised:

OPINION

" Section 511 of the California Vehicle Code (amended by Chapter 658, Statutes of 1939) provides as follows:

'The speed of any vehicle upon a highway not in excess of the limits specified in this section is lawful unless clearly proved to be in violation of the basic rule declared in section 510 hereof.

'The speed of any vehicle upon a highway in excess of any of the limits specified in this section is prima facie unlawful unless the defendant establishes by competent evidence that any said speed in excess of said limits did not constitute a violation of the basic rule declared in section 510 hereof at the time, place and under the conditions then existing.

'The prima facie limits referred to above are as follows: * * * *

(b) Twenty-five miles per hour:

(4) Upon that portion of any highway within or bordering upon any public park which passes through or borders upon any public playground or passes any building or other place of public assemblage when signs giving notice of the speed limits have been erected. The authority having jurisdiction over the highway may erect such signs whenever considered necessary to the protection of life or property.'

" The basic rule referred to being Section 510 of the Vehicle Code, to-wit:

'No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for the traffic on, and the surface and width of the highway,

and in no event at a speed which endangers the safety of persons or property.'

" The authority having jurisdiction to erect the signs referred to in the aforementioned Section 510 is with your Board. Our charter, Section 40 thereof, provides:

'The park department shall be under the management of a park commission. * * * *'

" Section 41 providing:

'The commissioners shall have the complete and exclusive control, management, and direction of the parks, squares, avenues, grounds and recreation centers, now or hereafter placed under charge of the commission, including exclusive right to erect and to superintend the erection of buildings and structures thereon, except as in this charter otherwise provided.'

" It is to be observed that a 'highway' is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. (Section 81, Vehicle Code)

" Under the decision in EX PARTE DANIELS, 183 Cal. 636, the court held that 'the regulation of traffic upon the streets of a city is not one of those municipal affairs in which by the Constitution chartered cities are given a power superior to that of the state legislature, but that such power is subject to the general laws of the state, and ordinances inconsistent therewith are invalid.'

" We have no local ordinances regulating the speed or providing for traffic regulation respecting vehicles in Golden Gate Park. Consequently, no inconsistencies exist, and it is my opinion that the provisions of the Vehicle Code, as herein quoted, govern.

" In IN RE MURPHY, 190 Cal. 286, the court held:

'* * * * that whenever the State of California sees fit to adopt a general scheme for the regulation and control of motor vehicles upon the public highways of the state, the entire control over whatever phases of the subject are covered by state legislation ceases insofar as municipal or local legislation is concerned.'

" This decision was affirmed by the Supreme Court in the case of MOREL v. RAILROAD COMM., (decided in 1938), and cited in 11 Cal. 488, 500.

" You will further note that Section 40 of the Charter deprives the Park Commission of ordinance making powers which it exercised under the old charter and therefore if any ordinance is to be adopted it would have to be adopted by the Board of Supervisors.

" Summarizing the foregoing, you will please be advised that the California Motor Vehicle Code establishes the speed of vehicle traffic in Golden Gate Park, and there is vested in your Commission the authority to erect such signs as your Commission considers necessary for the protection of life or property.

" Respectfully submitted,

(Sgd) Jno. J. O'Toole

CITY ATTORNEY

" Board of Park Commissioners."

City Atty Opinion re State Highway Sharp Park:

" OPINION OF CITY ATTORNEY

July 29, 1940

" SUBJECT: State Highway through Sharp Park

Gentlemen:

" In your communication of July 18, 1940, you state that the Division of Highways is asking permission to rearrange the State Highway through Sharp Park in San Mateo County. You further state that the Park Commissioners have approved the plans, and I am informed that the Park Commissioners believe that such highway would not be detrimental to the use of Sharp Park but, in fact, would be of actual benefit, allowing greater ingress and egress to and from said park, and that the additional highway space would be very small.

" In view of the fact that the present highway now traversing Sharp Park would be removed, I am further told that the new highway would be located in such a manner as not to interfere with the use of Sharp Park as a golf course.

" I am informed by Jno. H. Skeggs, District Engineer of the State Division of Highways of the State of California, that the state desires a deed to the fee of the land necessary for the proposed new highway and would not be satisfied with mere permission of the Board of Park Commissioners.

" OPINION

It has been held in California that the use to which a park may be put is not limited to any particular specified use, but to use generally

for park purposes, and the same decision held that the use of a small part of a park as entrance to a tunnel for municipal car lines did not impair the usefulness of the park and was not inconsistent with the purposes for which said park was dedicated. (Humphrey vs. City and County of San Francisco, 92 Cal. App. 69).

" In Hall vs. Fairchild-Gilmore-Wilton, 86 Cal. App. 615, the use of a park for highway purposes was frowned upon, but in that instance it appears that 66% of the park area was being used for highway purposes.

" In the very early case of People vs. Park and Ocean R. R. Co., 76 Cal. 156, an injunction was denied preventing the use of a portion of Golden Gate Park for a street railway, and in that case the Supreme Court held that the road through the park was not a nuisance, but, on the contrary, was a 'medium of ingress and egress transportation essential to the full enjoyment by the people of the privileges and blessings accorded them in the creation and dedication of such park.'

" However, in view of the fact that Sharp Park was given to the City and County of San Francisco by Honora Sharp for park purposes, and it has been held that, where park land is granted by private parties for park purposes, the rule should be more strict in interfering with the use thereof for park purposes than where the land has been secured through condemnation, our Board of Supervisors would not be justified, even with approval of the Board of Park Commissioners, in giving the State of California a deed to the strip of land involved; but for the protection of the interests of the City and County of San Francisco in its use of Sharp Park, such land should be secured by the State through condemnation proceedings.

Respectfully submitted,

(Sgd) JNO. J. O'TOOLE
City Attorney

"Board of Park Commissioners."

Letter from City Attorney re SRA permit Sharp Park

The following letter from the City Attorney was ordered incorporated:

" JOHN J. O'TOOLE
City Attorney
City Hall
San Francisco California

August 1, 1940

"Board of Park Commissioners
Park Lodge
San Francisco

My dear Sirs:

" Under recent date, you addressed a communication to Mr. O'Toole directing his attention to a request from the State Supervisor, Bureau of Resident Projects, for permission to dig a well at Sharp Park.

" The matter was discussed by Mr. O'Toole with Mr. Linares, your secretary, and the writer, at which time Mr. O'Toole very definitely stated that the permission could not be granted because Sharp Park was given to the city exclusively for park purposes.

" The camp which the State is maintaining at Sharp Park is for single men, and to give permission to dig a well would be a deviation from the purposes for which the park was given, as stated.

" I do not know if your Board will require anything further from Mr. O'Toole in the matter, but I can assure you that it is my definite understanding that he will not approve the request made by the State Supervisor.

Very truly yours,

SYLVAIN D. LEIPSIC "
Deputy City Attorney

Demand for Gordon rental Aquatic Park:

A communication from the office of the City Attorney suggesting that the Park Commission make demand on the trustee in bankruptcy for payment of Gordon rental was next presented and the Acting Secretary reported the letter had been sent in accordance with instructions.

Res.No. 323 Sale of Strybing Bequest Assets

At the request of Commissioner Budde the following resolution was adopted:

RESOLUTION NO.323

RESOLVED unanimously by the Board of Park Commissioners that the City Controller and the City Treasurer be authorized to release the coins and six green stones from the miscellaneous

assets in the Helene Strybing Bequest Fund now held in the joint custody vault in the Treasurer's Office, to the Purchaser of Supplies, and that the Purchaser of Supplies be hereby authorized to sell the same to the highest bidder; and

BE IT FURTHER RESOLVED that the proceeds from the sale of the above stated miscellaneous assets be deposited in the Helene Strybing Bequest Fund.

Tree Removal Jefferson St.

Representatives of the Exposition Preservation League and the Marina Home Owners' Association then appeared before the Board to protest the removal of part of the trees on Jefferson Street between Lyon and Baker as previously recommended by the Park Commission in order that the view of the Palace of Fine Arts might not be obscured from that street. After considerable discussion it was agreed that Commissioner Lermen and Superintendent McLaren would arrange to meet at the site for further study of the matter.

Mun.Ry.request for "Bus Stop" sign:

The Board then approved the request of the Municipal Railway to install a "Bus Stop" sign in front of the Aquarium at no expense to the Park Commission, and the Acting Secretary was instructed to notify them accordingly.

Rental Reduction Point Lobos Lookout Station Requested:

A communication was next presented from the Marine Exchange requesting that they be released from the $20.00 monthly charge due to a vacancy at the Point Lobos Lookout Station. It

was the consensus of opinion that inasmuch as the building was still being used as a lookout station they should not be released from the rental charge and the request was therefore denied.

Aquatic Park Beach - Imp. discussed:

Mr. A. D. Wilder, Director of the Department of Public Works and Mr. Wm. Mooser, Jr., District Manager of the Works Projects Administration next appeared before the Board to discuss the matter of improvements to the Aquatic Park Beach. After setting forth constructive suggestions as to the manner of improving this beach, they declared that this work could not be handled by the WPA, but it would have to be done by private contractors.

Repaving of Marina Esplanade

In response to the inquiry of the Commission as to whether or not it would be possible to obtain Gasoline Tax monies for the purpose of repaving the Marina Esplanade between Webster and Scott Streets. Mr. Wilder stated that this would not be possible, but that he would endeavor to make this a WPA project.

Garfield Park Sandbox requested:

A communication requesting the construction of a sandbox for children at Garfield Park was next presented together with an estimate of cost for same submitted by Mr. Grabow. Due to lack of available funds at this time, the matter was ordered held in abeyance.

Huddart Park Water Distribution:

A communication from Chickering & Gregory, attorneys for James Flood, again requesting information relative to the City's obligation to supply water to the property recently purchased by Mr.

Flood from the Huddart Estate, was next presented. The Commissioners expressed themselves favorably to making the Huddart Estate a public park, but inasmuch as the Controller had informed the Commission that without a special appropriation for improvements on that property his office would not approve any expenditures in connection therewith, there was nothing the Commission could do.

The Acting Secretary was then instructed to call to the attention of the City Attorney the above stated facts, and to ask his advice on this matter.

Construction Report:

The following report, copies of which had been sent to each Commissioner, was then ordered filed:

> Construction Report submitted by Superintendent of Construction, Bart Roipn, covering work for the month of July and work programmed for August, 1940.

Meeting Adjourned:

There being no further business to come before the Board the meeting adjourned at 5:30 P.M.

G. J. Linares
Acting Secretary

San Francisco, California
August 9, 1940

Special Meeting

A special meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Friday, August 9th, 1940, at 11:35 a.m.

There were present:

Pres. Herbert Fleishhacker
Comm. Henry F. Budde
Comm. John J. Lermen
Comm. Parker S. Maddux

Absent: Comm. George H. Sandy

Resolution No. 324 Terminating Gordon Lease

The following resolution was then adopted:

RESOLUTION NO.324

WHEREAS, on the 21st day of September, 1938, the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, as lessors, pursuant to the provisions of Section 41 of the Charter of the City and County of San Francisco, entered into an agreement and lease with LEO GORDON and KENNETH GORDON, jointly and severally, individually and as copartners, which was ratified and approved by the Board of Supervisors of the City and County of San Francisco on October 10, 1938, for the use of the Aquatic Park Building, in said City and County of San Francisco, by said Gordon Brothers; and

WHEREAS, Section 9 of said lease provides as follows:

"It is understood that under no circumstances shall this lease be assigned by the lessees hereunder without the written consent of the Board first had and obtained, and that no portion of the demised premises shall be sublet without the written consent of the Board first had and obtained, and that no business or occupation of any kind shall

8/9/40

be carried on therein or thereon other than such as is provided for in paragraph 4 hereof, nor shall this lease be assignable by operation of law or otherwise and should said Gordon become insolvent or adjudged a bankrupt or should he make any assignment for the benefit of his creditors, then in that event the Board shall have the right and option to terminate this lease and said lease without the consent of the Board shall never in any event become a part of the estate of said bankrupt nor pass to any referee of trustees in bankruptcy, nor to any assignee for the benefit of creditors;"

and

WHEREAS, the Gordon Brothers were duly adjudicated bankrupts on the 16th day of July, 1940;

NOW, THEREFORE, BE IT RESOLVED that at a meeting held for said purpose on the 9th day of August, 1940, the Board of Park Commissioners of the City and County of San Francisco hereby exercises the right and option granted by said Section 9 of said lease of terminating said lease and agreement, and does hereby terminate said lease and agreement.

BOARD OF PARK COMMISSIONERS

By HERBERT FLEISHHACKER
President

JERRY LINARES
Acting Secretary

G.J.Linares Appointed Secretary

Upon motion duly made, seconded and carried GERALD J. LINARES was appointed Secretary of the Board of Park Commissioners, effective immediately, to hold office at the pleasure of the Board of Park Commissioners.

8/9/40

Appointment of John Patridge

Upon motion duly made, seconded and carried John Patridge was appointed Senior Clerk - Stenographer, effective August 16, 1940, at a salary of $200.00 per month.

Appointment of James E. Power, Jr.

Upon motion duly made, seconded and carried James E. Power, Jr., was appointed Assistant Athletic Organizer, effective August 16, 1940, at a salary of $225.00 per month.

Meeting Adjourned

There being no further business coming before the Board, the meeting adjourned at 12:15 P.M.

G. J. Linares
Secretary

San Francisco, California
August 22, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, August 22, 1940, at 4:15 P.M.

There were present

Pres. Herbert Fleishhacker
Com. Henry F. Budde
Com. John J. Lermen

Absent: Com. George Sandy
Com. Parker S. Maddux

Minutes Adopted:

The minutes of the two previous meetings, copies of which had been sent to each of the Commissioners were then duly adopted as the minutes of the regular meeting of August 7 and of the Special meeting of August 9, 1940.

The following resolution was then adopted by the Board:

Resolution No. 325 - Allotments:

RESOLUTION NO. 325

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of park business the Controller be requested to make the following Allotments:

Appropriation No.

012-300-03/1	Materials & Supplies - Resale, Commissary Unit	$500.00
012-300-03	Foodstuffs- Revenue Division Commissary Unit	$6000.00
012-385-02	Forage & Food for Animals Fleishhacker Zoo	$ 400.00
012-400-01	Equipment - General Division	$2000.00

Ralston Memorial Presented:

The following letter from Major Edward Bowes was presented to the Commission by Mr. Alfred Sutro:

"July 25,1940.

"To the Honorable
the Park Commission of the
City and County of San Francisco

"Dear Sirs:

"Although I have not lived in San Francisco for many years - I shall always hold a deep and abiding affection for it because it was my birthplace. I have been proud of it because of its great beauty - its romantic history and its fine civic achievements.

"I take pleasure, therefore, in offering the City a gift of $10,000 to be used in erecting a monument to the late William C. Ralston, designed by Mr. Haig Patigian and to be executed by him and erected under his direction.

"William C. Ralston did much to start the City on its path of greatness - and it is for that reason that I should like to see a monument in honor of his memory erected in the City.

"A model of such a monument and a description of it, both by Mr. Patigian - accompany this letter. The monument is to be about 10 feet high, 7 feet long and 5 feet wide, and is to be constructed of bronze and stone on a subbase.

"The place I have selected for its location is a point in the center of the north side of the Marina Park, about 10 feet from the northerly line or edge of the Park.

"The model and the place I have selected will, I hope, both meet with your own and the approval of the Art Commission of San Francisco.

"If you will advise me that the gift is acceptable to you, I will submit the model for the monument and its proposed location to the Art Commission for its approval.

"Trusting that you will accept my proposed gift of $10,000 for the purpose stated and with cordial greetings, I am

Very respectfully yours,

(Signed) MAJOR EDWARD BOWES "

Resolution No. 326 - Acceptance of Ralston Memorial:

On motion of Commissioner Lermen, duly seconded and carried, the Board then adopted the following resolution:

RESOLUTION NO. 326

RESOLVED that, subject to and after the hereinafter mentioned approval by the Art Commission of the City and County of San Francisco, the offer of the proposed gift by Major Bowes to the City and County of San Francisco of $10,000 for the erection of a monument in honor of the memory of the late William C. Ralston be accepted, the monument to be of a design made by Mr. Haig Patigian (a model and a description of the monument, both by Mr. Patigian, having been submitted by Major Bowes with his offer), the monument to be executed by Mr. Patigian and to be erected under his supervision at a point in the center of the north side of the Marina Park about 10 feet southerly from the northerly line or edge of the lawn of said Park, and that upon approval by the Art Commission of the model for the monument and of its proposed location, as herein stated, and payment of said sum of $10,000 to this Commission for the City and County of San Francisco, this Commission do enter into a contract with Mr. Patigian for the execution and erection of the monument by him for the said $10,000 in the form of contract now read to and hereby approved by this Commission; and be it further

RESOLVED that this Commission express its appreciation and thanks to Major Edward Bowes for his generous gift to the City and County of San Francisco; and be it further

RESOLVED that a copy of this resolution be sent to Major Edward Bowes, and that, when said sum of $10,000 has been paid to this Commission, a copy of this resolution be also sent to the Controller of the City and County of San Francisco to the end that said sum be properly identified and held in the Treasury of the City and County of San Francisco for the purposes for which it is donated and for carrying out the terms of said agreement.

Resolution No. 327 - Payments:

The following resolution was next adopted:

RESOLUTION NO. 327

RESOLVED unanimously by the Board of Park Commissioners that the following payments be paid to Harry C. Payson, Acting Director of the Golden Gate Park Band, at the rate of $336.40 for each concert:

July, 1940	5 concerts	$1682.00
August, 1940	4 concerts	$1345.60

Approval of Supervisors' Ordinance re Sales Tax:

The Board next approved two Board of Supervisors' Ordinances as follows:

(1) Appropriating $6,557.17 from the surplus existing in Appropriation Number 900.000.00 for the payment of additional sales tax due to the State of California by the Park Department.

(2) Authorizing the return of $3,984.76 from the Cash Reserve Fund to the Park Fund and appropriating said amount for the payment of additional sales tax, due to the State of California.

Request for Bird Pens at Zoo:

Representatives of the Sports Women's Club of San Francisco then appeared before the Board relative to their request for permission to build and use bird pens at the Fleishhacker Zoo for raising game birds. The Commissioners expressed themselves as being in sympathy with the idea and the Secretary was instructed to consult with the City Attorney as to the legal right of the Board to grant such requests.

Retitling of Employees:

A communication from the San Francisco Parks Employees Union relative to the retitling of employees was next presented and ordered held in abeyance until the return of Commissioner Sandy. President Fleishhacker assured the representatives that no action would be taken on the proposed retitling until such time as they would have an opportunity to meet with Commissioner Sandy.

Lighting Duboce Park:

A communication from the Haight-Fillmore District, Inc. asking for improved lighting of Duboce Park was ordered held in abeyance pending a report from First Assistant Superintendent Girod.

Request to open Clayton St. through Panhandle:

The request of the Haight-Ashbury Merchants and Improvement Association to open Clayton Street through the Panhandle in order to relieve the traffic situation at Stanyan and at Masonic Ave. was discussed and ordered held in abeyance for further consideration.

Bicycle Paths G.G.Park Requested: A request from the San Francisco Bicycle Dealers Association that special paths be set aside for the protection of cyclists in Golden Gate Park was then presented and after some discussion the matter was referred to First Assistant Superintendent Girod for report at a subsequent meeting.

Aquatic Park Improvements: The Secretary then read a communication from Mr. Ben D. Sexton submitting various suggestions for the operation and improvements of Aquatic Park and other matters. The matter was ordered held in abeyance inasmuch as the Commission was not in a position to discuss the reopening of Aquatic Park at this time.

Signs for Legion of Honor: A request for certain signs for the California Palace of the Legion of Honor was next presented, and First Assistant Superintendent Girod was instructed to advise the Director of the Palace of the Legion of Honor that there were no funds available for this purpose.

Twin Peaks WPA Project: A communication from Mr. A. D. Wilder, Director of the Department of Public Works with reference to the Work Projects Administration project for the beautification of Twin Peaks was then presented. The Secretary called the attention of the Board to Mr. Wilder's request for a statement covering the ability of the Park Department to maintain Twin Peaks after completion. First Assistant Superintendent Julius Girod stated that upon completion it would require the full time services of one man. The Secretary was instructed to communicate with Mr. Wilder and ascertain the time of completion before making a definite commitment as to maintenance.

Parking Lot at Beach:

The matter of enlarging the parking area at the Beach was again brought to the attention of the Commission and it was ordered that nothing be done on this for the present.

Aquatic Park-Gordon Rental:

A communication from the Attorney for the Trustee in Bankruptcy for Leo and Kenneth Gordon in reply to the demand made for rental by the Park Commission for use of the premises at Aquatic Park was next presented and ordered filed.

Car Replacement for Supt. John McLaren:

Resolution No. 328:

First Assistant Superintendent Girod then brought to the attention of the Board a report on the dangerous condition of the car used by Superintendent John McLaren. On motion of Commissioner Budde, duly seconded and carried the following resolution was adopted:

RESOLUTION NO.328

RESOLVED unanimously by the Board of Park Commissioners that the First Assistant Superintendent be authorized to perform the necessary acts to purchase a new seven passenger sedan, the cost not to exceed the sum of Two Thousand Dollars ($2,000.00) to replace the car now used by Superintendent John McLaren.

Floral Display O.E.S. :

The matter of a floral display for the Eastern Star Convention, which had been previously denied by the Commission on account of lack of funds for this purpose, was again presented by Mr. Girod who reported that the organization was ready and willing to defray the cost involved. The Board then rescinded its previous order denying the request and granted permission for such display contingent upon the payment of $170.00 by this organization to cover the cost of the work.

Floral Display, Native Sons: First Assistant Superintendent Girod then presented a plan for a floral display requested by the Native Sons and Daughters of the Golden West. This was approved by the Board on condition that all costs be assumed by the organization for the work involved.

Mural Repair Coit Tower: An estimate from Lucien Labauldt for the repair of murals in Coit Tower was next presented by First Assistant Superintendent Girod, and the matter referred to Commissioner Lermen for further investigation and report.

Tree Removal-Jefferson St.: A letter from M. B. Martin, protesting the removal of trees on Jefferson Street near the Palace of Fine Arts, was presented and the Secretary instructed to acknowledge receipt and to inform this party that the matter was in the hands of the Director of Public Works.

Yacht Harbor Ext. First Unit - Healy-Tibbitts Granted 45 day Extension on Contract: An application from the Healy-Tibbitts Construction Company for a forty-five day extension of time on their contract for the construction of the First Unit of Yacht Harbor Extension, because of delay occasioned by the fact that unusual marine action had reduced portions of the sea wall already placed to below elevations reasonably anticipated, was submitted and approved, the delay having caused no loss to the Board of Park Commissioners or to the City and County of San Francisco.

Sharp Park Flood Control: Mr. J. R. Hickey next called to the attention of the Board the necessity of constructing a spillway at Mori's Point, Sharp Park, to provide adequate opportunity for the flood waters to flow to the ocean and thereby prevent the flooding of the

golf course. Mr. John Punnett, engineer, was present and endorsed the plan but advised that because of the lack of time to construct such a spillway it would be better to install 16" or 18" pumps with which to take care of the flood waters for the coming winter, and then to proceed with the construction of the spillway early next year. The Board then requested Mr. Punnett to submit an estimate of cost for preparing plans and specifications for a permanent flood control.

On motion of Commissioner Lermen, duly seconded and carried, Construction Superintendent Bart Rolph was authorized to prepare a report on the cost of renting the necessary pumps, and the Secretary was instructed to consult with the City Attorney and the Controller to ascertain if the necessary funds for such expenditure might be obtained from the Sharp Park Bequest.

Opinion of City Atty - Huddart Park Water Distribution:

The following communication from the office of the City Attorney was ordered incorporated in the minutes of this meeting:

"June 18,1940.

"Board of Park Commissioners
Park Lodge
San Francisco

"Gentlemen:

"This office is in receipt of your letter under date of June 3, 1940, addressed to Mr. O'Toole, seeking advice as to whether or not it is the duty of the City and County of San Francisco to maintain the pipe line mentioned by Mr. Albert L. Baker, executor of the estate of Mary Huddart, deceased. You will please be advised as follows:

"The writer has given very careful consideration to the matter in mind by carefully reviewing the will of James M. Huddart, deceased, and the order and decree of partial distribution in the matter of the estate of

"James M. Huddart, deceased, under which decree the City and County of San Francisco became possessed of certain property in the County of San Mateo, subject to certain terms and conditions respecting the furnishing of water, without cost, to adjoining lands which by the will herein referred to were distributed to Mary Huddart, a sister of said deceased.

"I likewise reviewed the entire matter with your Mr. T. M. Grabow, who submitted to me certain blueprints concerning the properties in question. The matter was also discussed with Mr. Albert L. Baker.

"The city is bound to maintain the pipe line from the source of the water to the property line of the adjoining lands referred to herein, which, incidentally, have now passed to Mr. James Flood. The maintenance of this pipe line is essential because the property that the city acquired under paragraph Second of Mr. Huddart's will was upon the condition that water be furnished to adjoining lands, distributed to Mary Huddart by provision Third of the said will, to the extent and in the manner in which water had been furnished from the lands devised to the city in said paragraph Second, and this without cost to Mary Huddart or to her successors in interest in said land, as provided by paragraph Ninth of said will, it being the intent, as expressed by the testator, towit, James M. Huddart, that said water right should be appurtenant to said land.

"It is my advice that we fully comply with the terms of the devise to the city unless the present owner of the property, Mr. James Flood, should institute legal proceedings which might prove embarrassing. I say this because Mr. Baker informed me that he met with no success in directing the city's attention to his complaints which he regarded as being violations of the terms of the devise.

"Trusting that I have made our position clear in this matter, and assuring you of our further cooperation and advice, if needed, I am

Very truly yours,

(Signed) SYLVAIN D. LEIPSIC
Deputy City Attorney "

Agreement - Harry Payson Bandleader:

The following Agreement covering the services of Mr. Harry Payson, Acting Director of the Golden Gate Park Band, was next ordered incorporated in the minute record:

"AGREEMENT OF EMPLOYMENT

"THIS AGREEMENT, made and entered into the 1st day of July, 1940, by and between the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, hereinafter referred to as the Employer, party of the first part, and HARRY PAYSON, hereinafter referred to as the Employee, party of the second part,

- W i t n e s s e t h -

"That in consideration of the mutual promises and agreements hereinafter contained, the employer hires and employs the employee, and the employee agrees to work for and enter the service of the employer under the following terms and conditions hereby agreed upon:

1. The employee is hereby engaged to act in the capacity of musical director of the Golden Gate Park Band;

2. The employee shall enter into said service commencing his work hereunder on the 1st day of July, 1940. Said employment shall continue at the will and pleasure of the employer; provided, however, that the employment may be terminated by the employer upon said employer giving fifteen (15) days' written notice by mail to said employee terminating said employment.

3. The employee agrees to provide ten (10) first instrument players and thirty-two (32) musicians, which shall constitute the Golden Gate Park Band, and in addition thereto three (3) program boys, who shall distribute programs at all concerts to be rendered as hereina fter provided.

4. The employee agrees that a concert by the said Golden Gate Park Band shall be rendered each and every Sunday during the year following the execution of this agreement, except during inclement weather. The employee also agrees to conduct concerts by the said Band on the following holidays, towit: January 1st, February 22nd, May 30th, July 4th, Labor Day, September 9th, Armistice Day, Thanksgiving Day and Christmas Day, and at such other times as the employer may request.

" 5. The employer agrees to pay to the employee for his services, as herein provided, the total sum of three hundred thirty-six and 40/100 ($336.40) dollars for each concert rendered out of which amount said employee agrees to pay all musicians and the program boys, as herein specified.

" IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, in triplicate, the day and year first above written.

BOARD OF PARK COMMISSIONERS

By JERRY LIMARES, Secretary
(Employer)

(ACKNOWLEDGED)

HARRY PAYSON
(Employee)

(ACKNOWLEDGED)

"Approved as to form

JNO J. O'TOOLE
City Attorney
per S.D Leipsic
Deputy City Atty."

Tree Removal Jefferson St.

It was moved by Commissioner Budde, seconded by Commissioner Lermen, and duly carried, that Mr. A.D.Wilder, Director of Public Works, be notified that Superintendent John McLaren and First Assistant Superintendent Julius Girod had reported that they recommended the removal of the group of trees on Jefferson Street between Lyon and Baker Streets, excepting three of them which had already been marked for tentative preservation. Superintendent John McLaren stated that after the trees were removed, with the exception of these three, he would make another inspection and report back to the Commission as to whether or not these trees should likewise be removed. Commissioner Lermen concurred in the opinion of Superintendent McLaren and First Assistant Superintendent Girod.

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 5:20 P.M.

Jerry Limares
G. J. Limares
Secretary

San Francisco, California
September 12, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, September 12, 1940, at 4:15 P.M.

There were present:

President Herbert Fleishhacker
Commissioner John J. Lermen
Commissioner Henry F. Budde
Commissioner George H. Sandy

Absent: Commissioner Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then duly approved as the minutes of the regular meeting of August 22,1940.

Resolution No.329 - Transfers & Allotments:

The following resolution was then adopted:

RESOLUTION NO.329

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Departmental Intra-Fund Transfers and Allotments:

TRANSFERS

From Appropriation No.		To Appropriation No.		
012-130-01	Wages - General Division	012-135-01	Wages - Sick Leave	$4,000.00

ALLOTMENTS

012-350-03	Foodstuffs, Revenue Division Commissary Unit	1,500.00
012-130-02	Wages, Operating, Fleishhacker Zoo	3,900.00
012-130-03	Wages, Operating, Commissary Unit	3,800.00
012-130-04	Wages, Recreational Unit	5,000.00

Sutro Heights-Meeting Place Requested: A delegation from various civic groups, including the Vista Del Mar Garden Club, appeared before the Board requesting that a room for a meeting place be included in the proposed plans for a Diorama Shelter at Sutro Heights. Commissioner Lermen showed them the plans for this structure and it was pointed out that due to the lack of space on which to build, it would not be practicable to change the present plans. President Fleishhacker then suggested that it might be possible to grant the use of the Beach Chalet for their purpose and the representatives were requested to meet with the Secretary and with Mr. Ellars to work out further details.

Use of Balboa Park Nursery-Request by Jr. College: Mr. A. J. Cloud, President of the San Francisco Junior College, next appeared before the Board asking that the Park Commission cooperate with the Board of Education in permitting them the use of part of the greenhouses and a small plot of ground at Balboa Park for the purpose of furthering the interest of students in a course in floriculture which had been started about a year previously. The Commissioners were in sympathy with assisting them in any way possible, and First Assistant Superintendent Girod and members of the Commission were to go over the matter in the near future. No definite commitment was made by the Board at this time.

Building Proposed for Sea Scouts at Gas House Cove: Representatives of the Second District Parent-Teacher group and other civic bodies then appeared before the Board to explain the need of a building

for the activities of the Sea Scouts of the Boy Scouts of America, to be located at Gas House Cove. It was thought possible that one of the buildings might be obtained from the Exposition and sufficient funds raised by public spirited citizens to transport it to the site if permission could be obtained from the Board to place it on this property. The consensus of opinion was favorable, provided a building could be obtained which would meet with the requirements of the Planning Commission and the Art Commission, and the matter was referred to Commissioners Lermen and Budde and Mr. J.R.Hickey for further study.

Supervisors' Resolution - Cancellation Gordon Lease Aquatic Park:

The following resolution of the Board of Supervisors was ordered incorporated in the minutes:

"RATIFICATION AND APPROVAL OF CANCELLATION OF GORDON LEASE, AQUATIC PARK.

RESOLUTION NO. 1202
(Series of 1939)

"WHEREAS, the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco did duly and regularly call a meeting for the 9th day of August,1940, and said Board at said time duly and regularly adopted a resolution cancelling the lease of LEO GORDON and KENNETH GORDON heretofore and on the 21st day of September, 1938, made and entered into between the said Gordons and the Board of Park Commissioners of the City and County of San Francisco, and that said lease was canceled according to the provisions of Section 9 thereof, which provides that the said BOARD OF PARK COMMISSIONERS has the right and the option to cancel said lease when the GORDONS become insolvent and adjudicated bankrupts; and

"WHEREAS, said resolution recites that said GORDONS were duly adjudicated bankrupts on the 16th day of July, 1940;

"NOW, THEREFORE, BE IT RESOLVED that the BOARD OF SUPERVISORS of the City and County of San Francisco, in regular meeting assembled this 12th day of August, 1940, hereby ratifies and approves the action of said BOARD OF PARK COMMISSIONERS in cancelling and terminating said lease hereinabove referred to, and directs that said lease be canceled and terminated.

"Adopted - Board of Supervisors, San Francisco, August 12,1940.
Ayes: Supervisors Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Shannon, Uhl.
Absent: Supervisors Brown, Schmidt.
I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk
By J.R.McGrath
"Approved, San Francisco, Aug.14,1940.
ANGELO J. ROSSI,
Mayor."

Call for Bids 2nd Unit Yacht Harbor Ext.

The Board next approved the plans and specifications as submitted by Mr. John M. Punnett, Engineer, and on motion of Commissioner Lermen, duly seconded and carried, the Secretary was authorized to call for bids.

Resolution No. 330 - J.Punnett Plans Sharp Park Flood Control:

The following resolution was then adopted:

RESOLUTION No. 330

RESOLVED unanimously by the Board of Park Commissioners that JOHN M. PUNNETT, Engineer, be authorized to perform the necessary services, including the preparation of plans and specifications for the construction of a gravity outlet for storm water in Sharp Park area to the ocean; the cost of such services not to exceed the sum of Four Hundred Dollars ($400.00), said sum to be appropriated from the Sharp Park Bequest Fund.

Directional Sign - South Drive & 19th Ave.

The request from the Golden Gate Bridge and Highway District for the installation of a directional sign at the junction of South Drive and Nineteenth Ave. was next presented. After a brief discussion and approval of the Board, the matter was referred to First Assistant Superintendent Girod.

Resolution No.331 Rental Agreement Japanese Tea Garden:

The following resolution was introduced by the Secretary and adopted by the Board:

RESOLUTION NO. 331

RESOLVED unanimously by the Board of Park Commissioners that the Secretary be authorized to enter into an agreement and execute the same in the name of the Board of Park Commissioners with TAKANO HAGIWARA for the use of the JAPANESE TEA GARDEN, located in Golden Gate Park, on a month to month tenancy at the rate of Fifty Dollars ($50.00) a month, said Agreement to be revocable at the will and pleasure of the Board of Park Commissioners.

Historic Sign Sutro Heights Entrance:

A communication from Mr. Vincent Duffey was next presented requesting that the quaint old sign which had been placed at the right of the entrance gates to Sutro Heights by Adolph Sutro when he opened his gates to the general public, if no longer in use by the Park Department, be given to the Pioneer Society for preservation and display. Upon viewing this sign, it was ordered by the Board that it be given proper treatment for its restoration and that it be kept by the Park Commission.

Request for Grass Roots for Naval Air Station:

Upon request of Superintendent John McLaren for a small quantity of sea bent grass roots for use at the Naval Air Station, Terminal Island, San Pedro, the Board approved the donation and authorized Superintendent McLaren to handle the details.

W P A Twin Peaks Project: A communication from Mr. A. D. Wilder, Director of Public Works, relative to the completion of work on the Twin Peaks Beautification Project by the Work Projects Administration, was ordered filed and the matter held in abeyance until preparation of the budget for the next fiscal year.

W P A Dedication New Zoo: A letter from the Federal Works Agency of the Work Projects Administration requesting cooperation of the Park Commission in dedicatory ceremonies on completed units of the new Zoological Gardens to be held on Sunday, October 6, 1940, was next read by the Secretary. Commissioner Lernen was appointed by the Board to represent the Park Commission in this regard.

W P A Inquiry re Aquatic Park: There was next presented a communication from Mr. William R. Lawson, Administrator, Work Projects Administration, relative to Aquatic Park and requesting the following information:

"(1) What is the present status of negotiations between the City and County of San Francisco and the Concessionaire?

(2) What are the plans of the Commission regarding the future operation of this building?

(3) Do these plans include operation in accordance with the agreement reached between Mayor Rossi and officials of the Work Projects Administration during a conference held in the Mayor's office on November 22, 1939, as expressed in Assistant City Engineer C. E. Healy's letter of November 27, 1939, copy of which I am sending you herewith?

(4) Will the Park Commission submit to this administration a copy of any contract for the use of Aquatic Park that it may enter into with any concessionaire before it is consummated?"

After a discussion of the matter the Secretary was instructed to write to Mr. Lawson stating that until present legal proceedings were adjudicated the matter was being held in abeyance.

Huddart Park Water Distribution: A copy of a communication from the City Attorney to Chickering & Gregory, attorneys for James Flood, concerning the obligation of the City and County as to water rights in connection with the Huddart estate, was then presented and ordered filed.

St. Mary's Square - Rat Infestation: A report from Dr. J. C. Geiger, Director of Public Health, was then presented in connection with rat infestation at St. Mary's Square, and ordered filed.

Housing Authority Report: There was next presented and ordered filed a report from the Housing Authority of the City and County of San Francisco on the "Tenant Population - Sunnydale and Potrero Projects".

Floral Display Abraham Lincoln Design Offered: A letter from Frank Oliver offering to the Park a garden of Abraham Lincoln design was next presented. The Secretary was instructed to advise Mr. Oliver that although the Park Commission appreciated his offer, they were unable to accept it due to lack of funds for maintenance.

Ralston Memorial: A communication from the Secretary of the Art Commission rejecting the present model of the Ralston Memorial to be donated by Major Edward Bowes was then presented and ordered filed.

McLaren Park Improvements Requested: Recommendations from Erwin L. Smith, Counselor of McLaren Park Boys' Club, as to certain improvements in McLaren Park were discussed and denied for the present due to lack of funds.

French Indo-China Bldg. Requested for McLaren Park: A request from R. Louise Lauppe that the French Indo China Building at Treasure Island be moved to McLaren Park at the close of the Exposition was denied due to lack of funds available for this purpose.

Communication from Ben Sexton: A communication from Mr. Ben Sexton was next presented and ordered filed.

Peterson Agreement-Gas House Cove: The Agreement between the Board of Park Commissioners and Harold S. Peterson, as prepared by the office of the City Attorney, for use of a concession at Gas House Cove, Yacht Harbor, was next read by the Secretary and approved by the Commission, and the Secretary authorized to execute it accordingly.

Rifle Range Sharp Park: Mr. J. R. Hickey then gave his report on the establishment of a rifle range at Sharp Park as requested by the American Legion, and after some discussion the matter was disapproved by the Commission.

Repair of Murals at Coit Tower: Commissioner John Lermen requested that the matter of repair of murals at Coit Tower be held in abeyance for further study, and it was so ordered by the Board.

Leasing of Aquatic Park Casino: A communication from Grace Perego relative to the leasing of the concession at Aquatic Park, and other park properties was ordered held in abeyance pending further investigation.

Reclassification matters ref'd to Com. Sandy: Representatives of the San Francisco Municipal Park Employees Union next appeared before the Board relative to certain matters in connection with reclassification of employees. The matter was referred to Commissioner Sandy.

Leave of Absence: The following resolutions of the Board of Supervisors granting leave of absence to Commissioner Lermen and Commissioner Sandy were then ordered incorporated:

Leave of Absence - Com. Lermen:

"RESOLUTION NO. 988

"RESOLVED that in accordance with the recommendation of his Honor the Mayor, Hon. John J. Lermen, member of the Board of Park Commissioners, is hereby granted a leave of absence for the period May 1st to May 30th, 1940, with permission to leave the State."

Adopted at meeting of Board of Supervisors April 22, 1940.

Leave of Absence - Com. Sandy:

"RESOLUTION NO. 1206

"RESOLVED, that in accordance with the recommendation of His Honor, the Mayor, Honorable George H. Sandy, member of the Park Commission, is hereby granted a leave of absence for the period August 8th to August 30th, 1940, with permission to leave the State."

Adopted at meeting of Board of Supervisors August 12, 1940.

S.F. to Invite Park Executives Convention for 1941:

A letter was next presented from the San Francisco Convention and Tourist Bureau requesting that the Park Commission invite the American Institute of Park Executives and the American Park Society to meet in San Francisco in 1941. A letter was also presented from the Honorable Alfred J. Cleary, Chief Administrative Officer of the City and County of San Francisco, likewise urging the Park Commission to extend an invitation to the aforementioned societies.

J.Girod to Represent Park at 1940 Convention:

Mr. John Masterson, representing the Convention and Tourist Bureau, appeared before the Board and extended a further request for representation from the Park Department to the 1940 Convention in Cleveland, Ohio. It was the unanimous opinion of the Board of Park Commissioners that an invitation should be extended, if possible in person by First Assistant Superintendent Julius Girod, requesting the American Institute of Park Executives and the American Park Society to meet in San Francisco in 1941.

On motion of Commissioner Budde, duly seconded and carried, First Assistant Superintendent Girod was appointed to represent the Board of Park Commissioners at the convention in Cleveland, Ohio, to be held September 24 to 27, 1940, provided sufficient funds could be made available from the City's Publicity Fund and by the Convention and Tourist Bureau. It was also ordered that Mr. Girod be granted a month's leave of absence with pay in order that he might have the opportunity of visiting and studying other Park Departments.

Leave of Absence - J. Girod:

The Board then adopted the following resolution to be presented at the 1940 Convention.

Resolution No. 332:

RESOLUTION NO. 332

WHEREAS, San Francisco has not had the pleasure of being host to the American Institute of Park Executives and American Park Society since 1915, and

WHEREAS, San Francisco--the geographical center of the Pacific Coast--can supply perfect facilities for a convention of the American Institute of Park Executives and American Park Society, and

WHEREAS, widespread acceptance of San Francisco's invitation for 1941 was expressed last year, to Honorable John McLaren, Superintendent of Parks for the City and County of San Francisco, and

WHEREAS, this Commission feels that a convention of these distinguished organizations in San Francisco in 1941 would serve as a fitting tribute to the internationally famous work performed by Superintendent John McLaren,

THEREFORE, BE IT RESOLVED: That the Board of Park Commissioners of the City and County of San Francisco extends a most sincere invitation to the American Institute of Park Executives and American Park Society to meet in San Francisco in 1941,

AND BE IT FURTHER RESOLVED That Mr. Julius Girod, First Assistant Superintendent of Parks, be empowered to present this invitation at the 1940 convention to be held in Cleveland, Ohio.

Purchase of Equipment: First Assistant Superintendent Girod next presented a list of proposed equipment for the approval of the Board. After some discussion he was authorized to proceed in accordance with modifications agreed upon by the Commission.

Fleishhacker Restaurant Improvements: Mr. H. C. Ellars next requested permission to make certain improvements at the Fleishhacker Cafe. The matter was referred to Commissioner Sandy for report at the next meeting.

Water Supply, Report by Bart Rolph: The Board next discussed reports from Construction Superintendent Bart Rolph on irrigation and water supply of park properties, in connection with the proposed additional water to be provided by the Public Utilities Commission. It was the consensus of opinion that Mr. Girod, Mr. Rolph and Mr. Hickey discuss the matter with Mr. Nelson Eckart, manager of the Water Department, and prepare a further report for the next meeting.

Sale of Surplus Animals - Zoo: The Secretary then read a letter from Mr. Thomas A. Brooks, Purchaser of Supplies regarding the bids received for surplus animals at the Zoo. On recommendation of First Assistant Superintendent Girod, the Board approved the offer of $50.00 for one African Lion named "Tom", and further approved the offer of $125.00 for the sale of five Axis Deer.

Reports: The following reports, copies of which had been given to each of the Commissioners, were then ordered filed:

Construction Report for August, 1940 and work programmed for September.

Profit and Loss Statement - July, 1940.

Statement of Appropriations - Aug. 31, 1940.

Meeting Adjourned: There being no further business to come before the Board the meeting adjourned at 6:10 P. M.

G. J. Lvnares
Secretary

San Francisco, California
September 26, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, Thursday, September 26,1940, at 4:15 P.M.

There were present:

Com. Henry F. Budde
Com. John J. Lermen
Com. George H. Sandy
Com. Parker S. Maddux

Absent: President Herbert Fleishhacker

The meeting was called to order by Commissioner Budde, who acted as chairman in the absence of President Fleishhacker, and the minutes of the regular meeting of September 12, 1940 were approved as recorded.

Minutes Approved:

The following resolution adopted by the Board of Supervisors was then ordered incorporated:

Supervisors' Resolution - McLaren Park Land Purchase:

"LAND PURCHASE - McLAREN PARK

RESOLUTION NO. 1246
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept deeds from the following named parties, or the legal owners, to certain land situated in the City and County of San Francisco, State of California, required for the proposed McLaren Park, and that the sums set forth below be paid for said property from Appropriation No. 012.600.03.

SELINA PAOLINELLI, et vir $200.00
Lot 1-B, Assessor's Block 6106
MARY PAOLINELLI $200.00
Lot 17, Assessor's Block 6138

"The City Attorney shall examine and approve the title to said property.
Approved by the Director of Property.

Adopted - Board of Supervisors, San Francisco, August 26,1940.

"Ayes: Supervisors Colman, McGowan, Mead, Meyer, Roncovieri, Schmidt, Uhl.
Absent: Supervisors Brown, Ratto, McSheehy, Shannon.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk
By J. R. McGRATH
Chief Asst. Clerk

"Approved San Francisco, Aug. 29, 1940.

WARREN SHANNON,
Acting Mayor"

McLaren Park Land Purchase: Upon request of the Director of Property the Board then approved the recommendation for the purchase of Lot 10, Assessor's Block 6098, in the amount of $1,600.00, to be paid from the McLaren Park Land Purchase Appropriation.

Redwood Empire Bldg. offered to Park: A communication was then presented from the Hon. Alfred J. Cleary, Chief Administrative Officer of the City and County of San Francisco, transmitting the offer of Mr. Clyde Edmondson, managing director of the Redwood Empire Association, offering the use of the whole or a section of the Redwood Empire Building to the Board at the close of the Exposition. Commissioner Lermen reported that he had investigated the matter and had explained to their assistant Secretary the reasons why it would be impossible for the Commission to accept this offer.

Request for Benches: A letter was next presented from Mrs. Carrie Hammerslag, suggesting the purchase by the Park Commission of benches from the Exposition for use in the park. The Secretary was instructed to inform Mrs. Hammerslag that there were no funds available for this purpose.

Union Request Endorsement of Civil Service:

A communication from the San Francisco Municipal Parks Employees' Union, asking the Board for its endorsement to City Charter Amendment No.1, was next presented. After a brief discussion the matter was ordered held in abeyance until such time as all members of the Board should have an opportunity to study the proposed Amendment.

Offer of Metal and Glass Tank from Fair:

The offer for sale of a large metal and plate glass tank from their exhibit at the Exposition, by the Gardner Displays Co., was rejected due to the fact that the Commission had no use for such a tank.

Lions Club Dedication of Lion House at Zoo Denied:

There was next presented a communication from the Lions International requesting permission to unofficially dedicate the new Lion House at the Zoo on Saturday, October 12,1940. The Commission deemed it advisable to deny the request as a matter of policy, but suggested that the Secretary communicate with their chairman and invite them to join in the official dedication to be held at the Zoo on Sunday, October 6,1940.

Fleishhacker Restaurant Repairs:

Commissioner Sandy next reported on the proposed changes in the restaurant facilities at the Fleishhacker Playfield. After a brief discussion Commissioner Sandy requested that the matter be held in abeyance until complete details could be presented at the next meeting.

McLaren Drive-Paving Requested:

There next appeared before the Board representatives of the Excelsior Improvement Club and the Southern Council of Civic Clubs, requesting the repair of McLaren Drive through McLaren Park. They were assured by the Board that although funds were not available for repaving this road, every effort would

be made to make whatever temporary repairs possible with the limited funds available.

Proposed Building for Sea Scouts: Commissioner Lermen next reported that he had investigated the request for the locating of a building for the Sea Scouts at Gas House Cove, and that he was of the opinion that the only satisfactory location for such a building would be directly opposite the Pacific Gas and Electric Company power house, but that this area was not large enough for the proposed building. The Secretary was instructed to communicate with interested parties and advise them that the Park Commission were not in a position to render any financial assistance in this matter.

Union Square Parking Facilities Suggested: The Secretary then read a communication from Mr. Robert Orr relative to proposed automatic parking for use at Union Square.

Ordered filed.

Marine Museum Suggested: A communication from the Mission Merchants News suggesting that the Park Commission sponsor a Marine Museum was next presented and ordered filed.

Return of Trees and Shrubs, Treasure Island: A letter was next read from the Southern Council of Civic Clubs urging the transfer of trees and shrubs from Treasure Island for beautification of the City parks.

The Board then directed the Secretary to perform the necessary acts to see that proper care and attention be given to the property of the park now at Treasure Island.

Bids - 2nd Unit Yacht Harbor Ext: The Secretary then announced that two bids had been received for the construction of the Second Unit of Yacht Harbor Extension, requesting that the bids be referred to Mr. Hickey, Mr. Rolph and Consulting

Engineer John Punnett for recommendation for award at the next meeting of the Board.

Japanese Tea Garden - Agreement:

The Secretary next read the Agreement for rental of the Japanese Tea Garden, made between the Board of Park Commissioners and Takano Hagiwara. On motion of Commissioner Lermen, duly seconded and carried, the Agreement was approved as read and ordered incorporated in the minutes.

Elephant Train Negotiations:

Commissioner Lermen then reported that he had met with Mr. Raymond Williamson, attorney for Mr. Rice, relative to the proposed plan of placing Elephant Trains in Golden Gate Park, and that in the very near future a further meeting would be arranged between Mr. Williamson and members of the Commission to work out the final details in the matter.

WPA Dedication-New Zoo:

Commissioner Lermen next reported that he had met with Mr. William Lawson, Administrator, Work Projects Administration, relative to the dedication of the new zoological gardens and that a further meeting would be held to complete the final details. Mr. J. R. Hickey reported that he and Mr. Bart Rolph were also working with Work Projects Administration authorities on the arrangements for the physical properties to be used in connection with dedicatorial ceremonies.

Report on W.P.A. Projects:

Mr. T. M. Grabow next reported to the Board on the progress of various Work Projects Administration projects, including the Palace of Fine Arts, the South Drive and the Archery Field.

The Board then urged Mr. Grabow to make every effort possible to proceed on the proposed John McLaren Rhododendron and Azalea Dell.

Balboa Park Nursery - Termination of Use by Expo.:

The Secretary then announced that the Exposition Company had given notice that they would vacate the nursery at Balboa Park on September 28, 1940. He was then instructed by the Commission to see that proper precautions were taken to protect this property.

Balboa Park Nursery - Use by S.F. Jr. College:

Commissioner Lermen then reported that Commissioner Budde, First Assistant Superintendent Girod and himself had investigated the request of the San Francisco Junior College for the use of one greenhouse and half of another at Balboa Park for furthering the study of floriculture. It was his recommendation that the Junior College be permitted to use the half of one of the greenhouses and further that if the Junior College wished to construct, at their own expense,a greenhouse, that they might be allowed a site in Balboa Park with the understanding however, that this privilege could be terminated by the Commission upon the Commission's reimbursing them in a reasonable amount for the cost of the building. The Secretary was instructed to advise Dr. A. J. Cloud, their president, to this effect.

Resolution No. 333 - Allotments:

The following resolutions were then adopted:

RESOLUTION NO. 333

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Allotments:

Appropriation No.

012.400.01 Equipment - General Division $5,150.00

012.400.03 Equipment - Commissary Unit 583.00

Resolution No.334 - Payment:

RESOLUTION NO. 334

RESOLVED unanimously by the Board of Park Commissioners that the following payments be paid to HARRY C. PAYSON, Acting Director of the Golden Gate Park Band, at the rate of $336.40 for each concert:

7 concerts - September, 1940 - $2,354.80

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 5:50 P.M.

G. J. Linares
Secretary

San Francisco, California
October 10, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, October 10, 1940, at 4:00 P.M.

There were present

President Herbert Fleishhacker
Commissioner Henry F. Budde
Commissioner John J. Lermen
Commissioner George H. Sandy
Commissioner Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then adopted as the minutes of the regular meeting of September 26, 1940.

The following Resolution of the Board of Supervisors was then ordered incorporated in the minutes of this meeting:

Supervisors' Res. No.1267 - McLean Bequest Security:

"AUTHORIZING BOARD OF PARK COMMISSIONERS TO SATISFY CERTAIN DEED OF TRUST & CHATTEL MORTGAGE UPON NOTE FOR $2765 RECEIVED IN TRUST.

RESOLUTION NO. 1267
(Series of 1939)

"WHEREAS, the City and County of San Francisco, represented by its Board of Park Commissioners, is the owner of a certain promissory note for $2,765.00, executed by John Ghirardelli and wife to May McLean, which said note is dated November 26, 1935, and tha payment of which is secured by a Deed of Trust executed by said John Ghirardelli and wife to Title Insurance and Guaranty Company as Trustee, and which said Deed of Trust is recorded in the office of the Recorder of the City and County of San Francisco in Liber 2880 of Official Records at page 427; and which said promissory note is also secured by a certain chattel mortgage executed by said John Ghirardelli and wife to said May McLean and which said chattel mortgage is dated November 26,1935, and recorded in the office of the Recorder of the City and County of San Francisco in Volume 2861 of Official Records at page 498; and

"WHEREAS, said promissory note is now past due and is about to become barred by the Statute of Limitations; and

"WHEREAS, the makers of said promissory note have agreed to renew the same and to secure the same by a valid first Deed of Trust equal in effect to said Deed of Trust hereinbefore mentioned, and as additional security for the payment of said promissory note, to re-execute said chattel mortgage; and

"WHEREAS, said Board of Park Commissioners believes it would be for the best interests of the trust and conditions upon which said promissory note was received from the Estate of said May McLean that said note be renewed,

"NOW, THEREFORE, BE IT RESOLVED that the Board of Park Commissioners, through its President and Secretary, be and it is, hereby authorized to execute and deliver to the Title Insurance and Guaranty Company, Trustee as aforesaid, a request for reconveyance of the property described in said Deed of Trust upon condition that a new promissory note in the sum of $2,765.00 be executed by said John Ghirardelli and wife to the Board of Park Commissioners of the City and County of San Francisco and that the sum be secured by a Deed of Trust to the Title Insurance and Guaranty Company as Trustee and that said Deed of Trust cover and embrace the same property described in said original Deed of Trust and constitute a first lien thereon and also upon the further condition that said John Ghirardelli and wife execute a chattel mortgage upon the personal property secured in the chattel mortgage hereinbefore mentioned, and deliver the same to the Board of Park Commissioners as additional security for said note; and upon the execution and delivery of said new chattel mortgage the Board of Park Commissioners is hereby authorized to satisfy said original chattel mortgage hereinbefore referred to and surrender the note secured thereby;

"AND BE IT FURTHER RESOLVED that the acceptance of said note, Deed of Trust and new chattel mortgage shall not be a satisfaction of the debt secured thereby but merely the acceptance of the renewal of said obligation.

"Adopted--Board of Supervisors, San Francisco, Sept. 10,1940.

. . . . . .

DAVID A. BARRY
Clerk

"Approved, San Francisco
Sept.13,1940

WARREN SHANNON
Acting Mayor. "

Supervisors' Ordinance No.832 - Sales Tax:

The following Ordinance of the Board of Supervisors was then ordered incorporated:

"BILL NO. 868 ORDINANCE NO. 832
(Series of 1939)

"APPROPRIATING $6,557.17 FROM THE SURPLUS EXISTING IN APPROPRIATION NUMBER 900.000.00 FOR THE PAYMENT OF ADDITIONAL SALES TAX DUE TO THE STATE OF CALIFORNIA BY THE PARK DEPARTMENT.

"Read Second Time and Finally Passed-- Board of Supervisors, San Francisco, September 23, 1940.

. . . . .

"I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk.

"Approved, San Francisco, September 24,1940.

WARREN SHANNON
Acting Mayor."

Award of Bid 2nd Unit Yacht Harbor Extension:

The Secretary then read a communication from John M. Punnett, Consulting Engineer, recommending that the Board accept the low bid submitted by the Healy Tibbitts Construction Company for the construction of the Second Unit of Yacht Harbor Extension. The following resolution was then adopted:

Resolution No.335:

RESOLUTION NO. 335

RESOLVED unanimously by the Board of Park Commissioners that a contract be awarded to the Healy-Tibbitts Construction Company for the construction of the Second Unit of Yacht Harbor Extension at Yacht Harbor, Marina, San Francisco, and that the Secretary be authorized to execute the same in the name of the Commission and that

payment therefor in the amount of $23,726.00 be made from funds available in Appropriation No. 012-500-09.

Resolution No.336 - Transfers & Allotments:

The following resolution was next introduced and adopted:

RESOLUTION NO. 336

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Transfers and Allotments:

ADDITIONAL ALLOTMENTS

012.400.03	Equipment - Commissary Division	$772.50
012.800.04	Fixed Charges - Recreation	1.70
012.500.09	Yacht Harbor Improvements	23,726.00
012.600.03	McLaren Park Land	8,500.00

TRANSFERS

To No.	From No.	
012.400.03/1 Merry-Go-Round	012.400.03 Equipment - Commissary	$2,959.44
012.400.02 Equipment - Zoo	012.300.02 Materials & Supplies	201.88

Sewage Plant Equipment:

A communication from the Office of the Controller advising the Commission that there were no funds available for the purchase of an aeration blower for the Sewage Plant was ordered filed.

Charter Amendment for Civil Service, Park Employees:

The communication from the San Francisco Park Employees Civil Service Committee requesting the endorsement of the Commissioners on Charter Amendment No. 1, Civil Service for Park Employees, was next presented. On motion of Commissioner Maddux and seconded by Commissioner Lermen, the Amendment was endorsed by the following vote:

Ayes: Commissioners Fleishhacker, Sandy, Lermen, Maddux

Commissioner Budde did not vote.

Tribute to Anson Orr:

A representative of the Pacific Association of the Amateur Athletic Union next appeared before the Board requesting the changing of the name of the baseball field now known as "Big Rec" to the "Anson Orr Field" in commemoration of the splendid work done for amateur baseball by the late Anson Orr. He was informed by the Commission that while they were in sympathy with the request, it was contrary to established policy and could not be granted.

"Anson Orr" Memorial Drinking Fountain approved:

Mr. William Kamm then appeared before the Board, representing a large group of baseball enthusiasts who had played under the guidance of the late Anson Orr, and requested permission from the Board to raise the necessary funds to construct a drinking fountain to take the place of the one now in existance and to attach thereto a small plaque in his memory. Permission for this was granted by the Board subject to final approval of the plans.

Community Chest Torch, Union Square:

The Board then granted permission to the Community Chest to place a torch light in Union Square from November 12th to 29th.

Union Square Rat Infestation:

The communication from Dr. J. C. Geiger, Health Director, relative to rat infestation in Union Square was next discussed. The Commission then authorized the Secretary to perform the necessary acts to purchase proper trash receptacles, and for the installation of metal shields around the trees as suggested by the Health Director.

Suggested Mural for Playground Cafe:

Mr. Kadish, representing the Art Project of the Federal Works Agency, appeared before the Board to present a suggested mural decoration for the playground cafe. The Commissioners advised Mr. Kadish that there were no funds available for this project.

Extension of Panhandle to Divisadero:

A resolution from the City Planning Commission recommending that the Park Commission endeavor to acquire property for the extension of the Panhandle to Divisadero Street was next presented and ordered held in abeyance for further study.

Engineering Personnel:

A communication from the Coordinating Committee on Work Relief Projects to the effect that commencing November 1,1940 it would be necessary to discontinue the employment of two men now in the services of the Park and compensated from Work Progress Administration funds was referred to Commissioners George Sandy and Henry F. Budde for investigation and report at the next meeting.

Franklin Square - Drainage Condition:

A communication from the Department of Public Works suggesting the correction of a faulty drainage condition on the south side of Sixteenth Street fronting on Franklin Square was next presented, together with an estimate of cost to repair same prepared by Construction Superintendent Bart Rolph. The Board ordered the work done without further delay.

Maintenance of Monuments and Fountains:

Representatives from various organizations then appeared before the Board to request that a certain sum of money be allocated yearly for the maintenance of monuments and fountains under the jurisdiction of the Board of Park Commissioners. They were assured by the Commissioners that a sufficient amount for this

would be included in the 1941-42 budget request.

Highway District Granted the Advisory Services of J. L. Girod: The Board next approved the request of the Joint Highway District No. 10 for the advisory services of First Assistant Superintendent Julius Girod in connection with the landscaping of the center strip of the extension of the Junipero Serra Blvd.

Floral Display, British War Relief: The request for a floral bed in front of the Conservatory, to be dedicated to the British War Relief Association of Northern California, was denied by the Commission due to lack of funds.

Sharp Park Flood Control: Res. No. 338 Mr. John M. Punnett, consulting engineer, then presented plans for the control of flood waters at Sharp Park, which were accepted by the Commission and the following resolution adopted:

RESOLUTION NO. 338

RESOLVED unanimously by the Board of Park Commissioners that materials be purchased for the construction of the Sharp Park Spillway in a sum not to exceed Fifteen Hundred Dollars ($1500.00), payment for same to be made from the Sharp Park Bequest Fund.

Ralph Murray Appointed Bandleader: On motion of Commissioner John Lermen, seconded by Commissioner George Sandy, the application of Mr. Ralph Murray for the position of Director of the Golden Gate Park Band was accepted, and the following resolution adopted:

RESOLUTION NO. 337

RESOLVED unanimously by the Board of Park Commissioners that the Secretary be authorized to enter into a contract, and execute same in the name of the Board of Park Commissioners, with

RALPH MURRAY for his services as Director of the Golden Gate Park Band, said contract to be revocable by the Commission on fifteen days written notice, payment to be in the amount of Three Hundred Thirty-nine and 70/100 Dollars ($339.70) for each concert.

The Secretary was further authorized to notify Mr. Harry Payson, the Acting Director of the termination of his contract on October 28, 1940.

Resolution No. 339 - GJOA Payment Cont. No. 2:

Upon recommendation of the Superintendent of Construction, Bart Rolph, the Board then adopted the following resolution:

RESOLUTION NO. 339

RESOLVED unanimously by the Board of Park Commissioners that the following invoice be approved and ordered paid in accordance with the contract for the Stripping down, Trussing and Preserving of the Amundsen Ship Gjoa:

J. L. STUART MANUFACTURING CO.
$9,025.00

Report on Accident to Thos. Mallon:

The report from the Retirement Board relative to the findings in the case of Thomas Mallon, and suggesting that the Safety Department of the Industrial Accident Commission investigate the method employed in tree moving so as to insure against similar accidents in the future, was next discussed. The Secretary was then instructed to communicate with the Safety Department of the Industrial Accident Commission, asking that they investigate the matter and offer suitable suggestions.

Use of Broadcasting System for Columbus Day Celebration:

A communication from the Honorable John M. Ratto was next presented and permission granted for the use of the broadcasting system for the Columbus Day Celebration at Aquatic Park.

Use of Balboa Nursery by Jr. College

The request of the San Francisco Junior College relative to the use of land and buildings at Balboa Nursery was next ordered held in abeyance until the return of First Assistant Superintendent Julius Girod, and referred to Commissioners John Lermen, Henry Budde and George Sandy for further report to the Commission.

Closing of Fleishhacker Pool and Cafe: Resolution No. 340:

On motion of Commissioner Sandy, duly seconded and carried, the following resolution was adopted:

RESOLUTION NO. 340

RESOLVED unanimously by the Board of Park Commissioners that the Fleishhacker Pool, locker rooms and restaurant facilities be closed, effective November 1, 1940, and until further notice.

McLean Bequest, Ghirardelli Note:

The Secretary then reported that in compliance with Resolution No. 314 adopted by the Park Commission on July 11,1940, he was in receipt of a new Note from Angela and John Ghirardelli, as follows, together with a Deed of Trust and Chattel Mortgage securing same.

"$2,765.00 San Francisco California, October 1,1940.

Payable one (1) day after date, for value received, I, ANGELA GHIRARDELLI, and JOHN GHIRARDELLI promise to pay to BOARD OF PARK COMMISSIONERS OF THE CITY AND COUNTY OF SAN FRANCISCO or order, at San Francisco, the sum of TWO THOUSAND SEVEN HUNDRED SIXTY FIVE AND NO/100 ($2,765.00) DOLLARS, with interest from August 26,1940 until paid, at the

"rate of 6% per cent per annum, payable Monthly

"Shoud default be made in payment of interest when due the whole sum of principal and interest shall become immediately due at the option of the holder of this note. Principal and interest payable in lawful money of the United States. If action is instituted on this note I promise to pay such sum as the Court may fix as attorney's fees. This note is secured by DEED OF TRUST to CALIFORNIA PACIFIC TITLE & TRUST COMPANY, a California corporation.

(Signed) ANGELA GHIRARDELLI
JOHN GHIRARDELLI "

Insurance Coverage on Power Mowers-Resolution No. 341:

The Secretary next called the attention of the Board to the need for Property Damage and Public Liability Insurance covering the power mowers. The Board accordingly adopted the following resolution.

RESOLUTION NO. 341

RESOLVED unanimously by the Board of Park Commissioners that the Secretary be authorized to perform the necessary acts to procure Property Damage and Public Liability Insurance on power mowers.

Huddart Park Pipe Line Maintenance:

The Secretary next read a report from T. M. Grabow relative to a request from City Attorney John J. O'Toole, for an estimate on the cost of reconditioning the pipe line at Huddart Park. Mr. Grabow further advised the Commission that the City Attorney was to prepare a request and submit same to His Honor the Mayor, asking that monies be provided for this work from the Mayor's emergency fund. The Commission then ordered the Secretary to transmit said estimate of cost to the City Attorney and to again advise him that the Park had no funds available for this work.

Construction Report:

A construction report covering work accomplished during the month of September, 1940, and work programmed for the month of October, copies of which were sent to each of the Commissioners, was then ordered filed.

Meeting Adjourned:

There being no further business the meeting adjourned at 5:20 P. M.

G. J. Linares
Secretary

San Francisco, California
October 24, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, October 24, 1940, at 4:00 P.M.

There were present:

Pres.	Herbert Fleishhacker
Com.	John J. Lermen
Com.	Henry F. Budde
Com.	George H. Sandy

Absent: Com. Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each of the Commissioners, were then duly adopted as the minutes of the regular meeting of October 10, 1940.

Resolution No. 342 - Transfers & Allotments:

The following resolutions were then adopted by the Board:

RESOLUTION NO. 342

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Transfers and Allotments:

TRANSFERS

From Appropriation No.		To Appropriation No.		
012-130-04	Wages - Recreational Unit	012-135-04	Wages - Sick Leave	$1,000.00

ALLOTMENTS

012-400-01	Equipment - General Division	$ 350.00
012-350-03	Foodstuffs - Commissary Unit	11,000.00
012-900-01	Services, Other Departments - General Division	500.00

Resolution No. 343 - Payments:

RESOLUTION NO. 343

RESOLVED unanimously by the Board of Park Commissioners that the following bills be approved and payment authorized:

HEALY TIBBETTS CONSTRUCTION CO.

3rd Payment - First Unit Yacht Harbor Extension $5,152.50

4th Payment - First Unit Yacht Harbor Extension 858.75

HARRY PAYSON

4 Concerts @ $336.40 . . . . . $1,345.60

Furuseth Monument: A communication from the California State Federation of Labor asking that a suitable location be selected for the monument to Andrew Furuseth, now in storage, forwarded by the Honorable Angelo J. Rossi, Mayor with his recommendation, was next discussed. The matter was referred to Commissioner John Lermen for further investigation and report at the next meeting.

Geary Merchants' Christmas Tree: The Board then granted permission to the Geary Merchants Association to erect a Community Christmas Tree on the park strip between Park-Presidio Drive and 14th Avenue, midway between Geary Blvd. and Clement Street.

Market St. Ry. Request for Shelter at Wawona & 19th: The matter of granting permission to the Market Street Railway Company to erect a small shelter on the north side of Wawona Street at 19th Avenue was next discussed and ordered held in abeyance for further investigation.

Request for Miniature Speedway in Park: A communication from the San Francisco Model Midget Association was next presented in which the support of the Park Commission was requested in constructing a miniature race car speedway in one of the City parks. The matter was referred to First Assistant Superintendent Girod for report at the next meeting.

Healy Tibbitts Contract for 2nd Unit Yacht Harbor Ext.:

The contract between the Board of Park Commissioners and Healy Tibbitts Construction Company for construction of the Second Unit of Yacht Harbor Extension, at the Marina, San Francisco, having been duly executed and approved, was ordered incorporated in the minute record:

"THIS AGREEMENT, made this 11th day of October A.D., 1940, by and between HEALY-TIBBITTS CONSTRUCTION COMPANY, a California Corporation, with principal office located at 1100 Evans Avenue in the City and County of San Francisco, State of California, the party of the first part, and the BOARD OF PARK COMMISSIONERS of the CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, under and by virtue of the authority granted to them as such by the Charter of said City and County, the party of the second part, and for and on behalf of the said City and County.

"WHEREAS, the said party of the first part, as will more fully appear by reference to the record of proceedings of the Board of Park Commissioners of said City and County, on the 11th day of October, A.D., 1940, has been awarded the contract for the work hereinafter mentioned;

"NOW, THEREFORE, THESE PRESENTS WITNESSETH, That the said party of the first part, for and in consideration of the premises aforesaid and the consideration hereinafter mentioned, promises and agrees withthe said Board of Park Commissioners, as such and not otherwise, that it will do and perform, in a good and workmanlike manner, under the direction and to the satisfaction of the said Board of Park Commissioners and John J. Punnett, its consulting Engineer, and will prosecute said work with diligence from day to day to completion, and will furnish the materials used in the execution and completion thereof, to the satisfaction of said Board of Park Commissioners, all the following work in the City and County of San Francisco, to-wit:

"THE CONSTRUCTION OF THE SECOND UNIT OF YACHT HARBOR EXTENSION AT THE MARINA.

"Said work to be commenced within ten calendar days and completed within ninety working days from the date the contract is certified to by the Controller of the City and County of San Francisco, as specified in the notice inviting proposals therefor.

"Said work shall be done according to the specifications, plans and sections hereunto annexed and made a part of this contract, and the materials used therein shall comply with the said specifications.

"And the wages and compensations to be paid for labor performed or services rendered under said contract shall be in accordance with the compensations provided for in said specifications.

"And the said Board of Park Commissioners, in behalf of the City and County of San Francisco, promises and agrees that upon the performance and fulfillment of the covenants aforesaid the City and County will pay or cause to be paid, in the manner provided by law, and set forth in the specifications herein, and made a part hereof, to said party of the first part, for the work aforesaid the following prices, to-wit:

The Construction of the Second Unit of Yacht Harbor Extension at Yacht Harbor, San Francisco, at the following price, to-wit: Twenty-Three Thousand Seven Hundred Twenty-Six Dollars ($23,726.00).

"Time is of the essence of this contract in all things.

"It is hereby stipulated that the said party of the first part shall forfeit, as a penalty, to the said City and County of San Francisco, ten (10) dollars for each laborer, workman or mechanic employed, in the execution of this contract, by the said party of the first part, upon the work in this contract specified, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of an Act of the Legislature of the State of California, entitled,

"'An act limiting the hours of service of laborers, workmen and mechanics employed upon the public works of, or work done for, the State of California, or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for enforcement thereof.' - approved March 10, 1903, and of Section 653c of the Penal Code of California.

"And it is further understood and agreed by and between the parties of the first and second part hereto, that this contract is entered into in compliance with, and subject to, the conditions imposed by Sections 95 to 100, inclusive, of the Charter of said City and County of San Francisco.

"Also it is agreed and understood by the parties to this agreement, that in no case, except where it is otherwise provided in said Charter, will the said City and County, or any department or officer thereof, be liable for any portion of the expense of the work aforesaid.

"IN WITNESS WHEREOF, The Parties to these presents have hereunto set their hands and seals, and have executed this contract in triplicate, the day and year first above written.

"THIS CONTRACT MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

HEALY TIBBITTS CONSTRUCTION CO.

(ACKNOWLEDGED) By E.L.Turkington
President

BOARD OF PARK COMMISSIONERS FOR THE CITY AND COUNTY OF SAN FRANCISCO

Herbert Fleishhacker
President

(ACKNOWLEDGED)

Jerry Linares
Secretary

APPROVED AS TO FORM

John J. O'Toole
City Attorney "

Leasing of Aquatic Park Concession:

A communication from Mr. Joseph Abrams asking that he be notified when negotiations could be opened relative to the leasing of the Aquatic Park Casino was presented, and the Secretary instructed to advise him that the matter would have to be held in abeyance until such time as the present litigation was adjudicated.

Communication from North Beach Promotion Association:

The communication from the North Beach Promotion Association, offering an apology for the remarks made by one of their new members at the Park Commission meeting of August 22, was next ordered filed.

Ralston Memorial Approved:

A resolution from the Art Commission was next presented approving the model of the Ralston monument to be executed by Haig Patigian.

Resolution No.346:

Mr. Alfred Sutro next appeared before the Board and read the following resolution:

RESOLUTION NO. 346

WHEREAS this Commission, on August 22, 1940, adopted its certain resolution No. 326 accepting the offer of the proposed gift by Major Edward Bowes to the City and County of San Francisco of $10,000 for the erection by Mr. Haig Patigian of a monument designed by him in honor of the memory of the late William C. Ralston, subject to the approval by the Art Commission of the City and County of San Francisco of the proposed location for the monument, as said location is in said resolution stated, and of the model of the monument submitted by Mr. Patigian to this Commission on August 22, 1940; and

WHEREAS the Art Commission approved the proposed location for the monument but did not approve the model of the same; and

WHEREAS the Art Commission, by resolution passed on the 11th day of October, 1940, officially approved a model, together with the sketches of the proposed monument to William C. Ralston, to be executed by Mr. Patigian, the said model and the said sketches having been submitted by Mr. Patigian at this meeting to this Commission:

RESOLVED that this Commission hereby also approves the said proposed location for the monument and the said model and said sketches of the same; and be it further

RESOLVED that this Commission, instead of entering into the contract referred to in its said resolution of August 22, 1940, No. 326, do enter into a contract with Mr. Patigian for the execution and erection by him of said monument, in accordance with the said model and said sketches of the same as submitted by Mr. Patigian to this Commission at this meeting, for the said $10,000, said contract to be in the form of contract now read to and hereby approved by this Commission; and be it further

RESOLVED that a copy of these resolutions be sent to Major Edward Bowes, and that, when said sum of $10,000 has been paid to this Commission, a copy of these resolutions be also sent to the Controller of the City and County of San Francisco, to the end that said sum be properly identified and held in the Treasury of the City and County of San Francisco for the purposes for which it is donated and for carrying out the terms of said agreement.

Approved as to Form
10/18/40
John J. O'Toole
City Attorney

On motion of Commissioner Lermen, seconded and duly carried, the foregoing resolution was adopted.

On behalf of Major Edward Bowes, Mr. Alfred Sutro then presented to the Board a check for Ten Thousand ($10,000.00) Dollars, and the Secretary accepted it in the name of the Commission. The contract between the Board of Park Commissioners and Haig Patigian was then presented and the President and the Secretary authorized to execute the same in the name of the Commission. The contract was then ordered incorporated into the minute record, as follows:

Haig Patigian Contract:

"THIS AGREEMENT, made and entered into in duplicate this 24th day of October, 1940, by and between the BOARD OF PARK COMMISSIONERS OF THE CITY AND COUNTY OF SAN FRANCISCO, hereinafter called 'First Party', and HAIG PATIGIAN, of the City and County of San Francisco, State of California, hereinafter called 'Second Party',

W I T N E S S E T H :

"WHEREAS Major Edward Bowes, for the purpose of honoring the City and County of San Francisco by commemorating the memory of the late William C. Ralston, a former distinguished citizen thereof, has offered the City and County of San Francisco, through the First Party, the sum of ten thousand dollars ($10,000) to be used and expended in the erection and construction of a monument in honor of said William C. Ralston; and

"WHEREAS the First Party has accepted the said sum of ten thousand dollars ($10,000) to be used and expended for said purpose, the location for said monument to be at a point approximately in the center of the north side of the Marina Park in said City and County about ten (10) feet southerly from the northerly line or edge of the lawn of said Park; and

"WHEREAS the said offer of said Major Bowes provided that said monument shall be designed and executed by the said Second Party and erected under his direction, in accordance with a model and sketches of said monument made by the Second Party and heretofore submitted to the First Party; and

"WHEREAS the Art Commission of the City and County of San Francisco has approved both the said model and the said sketches of the said monument and also the location thereof; and

"WHEREAS the First Party is desirous of carrying out the purpose of the said gift of said Major Bowes, and this agreement for the purchase of said monument as a work of art of a special nature and thing of unusual character as to the purchasing thereof has the

"approval of the Purchaser of Supplies of the City and County of San Francisco, in accordance with section 88 of the Charter of said City and County; and

"WHEREAS this agreement, inasmuch as the same involves the expenditure of over two thousand dollars ($2,000), has also the joint approval of the Purchaser of Supplies and of the Chief Administrative Officer, as provided in section 88 of said Charter and in section 107 of Part I of the San Francisco Municipal Code:

"NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

(1) First Party hereby agrees to purchase from the Second Party and the Second Party hereby agrees to sell to the First Party a monument to the memory of the late William C. Ralston, to be executed by the Second Party and erected under his direction at the said location; said monument to be in form and design in accordance with the said model and said sketches thereof, heretofore submitted by the Second Party to the First Party, and with a certain description of said monument heretofore submitted by the Second Party to the First Party, a copy of said sketches and of said description being attached to this agreement and marked respectively Exhibit "A" and Exhibit "B".

(2) The Second Party will complete the erection of said monument at said location within one (1) year from the date of the signing of this agreement, and should the completion of said monument be delayed beyond the time herein specified, the First Party may grant the Second Party additional time for the completion thereof if, in the opinion of the First Party, the failure of the Second Party to complete said monument within said specified time arose from unavoidable delay. Unavoidable delay shall include any delay which may have resulted from causes beyond the control of the Second Party and against which he could not have provided by the exercise of ordinary care, prudence, foresight and diligence. The Second Party must in writing notify the First Party of any unavoidable delay in order to obtain the necessary extensions of time to meet the same.

(3) In consideration of the sale of said monument by the Second Party to the First Party, and constructed and executed by the Second Party and erected under his direction in accordance with said model and with said sketches and said description (Exhibits "A" and "B"), First Party agrees to pay to Second Party the sum of ten thousand dollars ($10,000) in installments as follows, to wit:

a. Two thousand five hundred dollars ($2,500) upon the execution of this agreement by the parties hereto;

b. Two thousand five hundred dollars ($2,500) when Second Party certifies in writing to the First Party that he has finished a full-sized model of the sculpture part of said monument;

" c. Two thousand five hundred dollars ($2,500) when the Second Party certifies that the bronze for said monument, finished in accordance with the said model, has been received by the Second Party and is ready for erection;

d. Two thousand five hundred dollars ($2,500) thirty-five (35) days after the Second Party certifies in writing to the First Party that the monument has been completely erected.

(4) Notwithstanding anything to the contrary herein contained, the First Party shall not be required to pay any of the installments provided for in subdivisions b, c, and d of paragraph (3) hereof until and unless it is satisfied that the Second Party has paid all materialmen and workmen, respectively, for materials furnished and labor performed for said monument.

(5) Time is of the essence of this agreement and of all the terms and conditions thereof.

(6) Contemporaneously with the execution of this agreement, the Second Party has given the First Party a corporate surety bond in the sum of one thousand dollars ($1,000) conditioned for the faithful performance of this agreement by the Second Party.

(7) This agreement is entered into with the Second Party without any competitive bidding for the reason that under and pursuant to the said gift of ten thousand dollars ($10,000) of said Major Edward Bowes for the erection and construction of said monument, it was expressly provided that said monument should be designed and executed by the Second Party and erected under his direction, and for the reason that this agreement is for the purchasing of a work of art of unique and unusual character as to the purchasing thereof and it is impossible to accept competitive bidding for the same.

"IN WITNESS WHEREOF, the First Party has caused this agreement to be executed by its President and Secretary in accordance with a resolution authorizing the execution of same, adopted on the 24th day of October, 1940, and the Second Party has executed the same, all on the day and year first hereinabove written.

BOARD OF PARK COMMISSIONERS OF
THE CITY AND COUNTY OF SAN FRANCISCO

By Herbert Fleishhacker
President

Jerry Linares
Secretary
First Party

Haig Patigian
Second Party

APPROVED October 23rd, 1940 (SEAL) "

. . . . . .

At the request of the Secretary, and in accordance with the terms of the contract, the Board then adopted the following resolution:

Resolution No. 348 - Payment, Haig Patigian Contract:

RESOLUTION NO. 348

RESOLVED unanimously by the Board of Park Commissioners that in accordance with contract entered into between the Board of Park Commissioners and HAIG PATIGIAN, the sum of Two Thousand Five Hundred ($2,500.00) Dollars be authorized to be paid to Haig Patigian; said funds to be made available from the Ralston Memorial Fund.

Strybing Bequest Assets:

The Secretary then read a communication from the Purchaser of Supplies relative to the offers made by bidders for coins in the Strybing Bequest assets. The Board ordered the matter held in abeyance.

WPA Engineering Personnel:

President Fleishhacker then reported that with reference to the WPA Engineering Personnel, there were no funds available in the Park budget with which to retain the men that had been ordered discontinued by the Coordinating Committee. Mr. T.M.Grabow then reported that there was a small balance left in the Coordinating Committee budget appropriation and requested authorization to retain one of the men on a part time basis. The Commission was of the opinion that this was a matter for the Coordinating Committee to pass on and requested the Secretary and Mr. Grabow to look further into the matter and obtain a letter from the Committee advising that these funds were available.

Extension of Panhandle:

Interested property owners next appeared before the Board protesting against the proposed extension

of the Panhandle to Divisadero as suggested by the City Planning Commission. President Fleishhacker requested that the protests be submitted in writing.

Clayton St. Opening thru Panhandle Discussed:

The request of Supervisor John Ratto for the Board's recommendation on the matter of cutting Clayton Street through the Panhandle was discussed and ordered held in abeyance. The Secretary was instructed to invite Supervisor Ratto to attend the next meeting for a further discussion of the matter.

Merry-Go-Round, Children's Playground:

The Secretary then read a communication from Mr. George Whitney offering to replace the Merry-Go-Round at the Children's Playground , and to enter into a financial arrangement with the Commission. After a brief discussion the matter was ordered held in abeyance for further study.

Great Highway Barricade Discussed:

President Fleishhacker then pointed out the need for opening the closed portion of the Great Highway, and reported that he had conferred with representatives of the Police Department and the Board of Public Works for their recommendations. It was the consensus of opinion that the highway should be opened as soon as favorable reports were received from the Board of Works and the Police Department.

Elephant Trains in Golden Gate Park:

In the matter of the proposed Elephant Train Concession the Board was of the opinion that the application of Mr. Steve Rice to operate the same in Golden Gate Park would be approved, subject to further examination and approval of Commissioners Lermen, Budde and Sandy, the City Attorney and the Board of Supervisors if the City Attorney so rules.

Resolution No. 344 - Purchase for Arboretum:

The following resolution was adopted by the Board:

RESOLUTION NO. 344

RESOLVED unanimously by the Board of Park Commissioners that the Secretary of the Park Commission be authorized to transmit requisitions to the Purchaser of Supplies for the purchase of the following materials necessary for the development of the Arboretum in Golden Gate Park, and to charge the cost thereof to the Helen Strybing Bequest Fund:

Requisition	Vendor	Article	Amount
No. 1319	Hillier & Sons	Rare Plants & Shrubs	$950.00

BE IT FURTHER RESOLVED that the Secretary is hereby authorized to request the Controller to make an allotment in accordance with the provisions hereto.

McLaren Rhododendron Dell:

Relative to the John McLaren Rhododendron and Azalea Dell, the Secretary next reported that a check for $20,518.27 had been turned over to him by the trustees to present to the Board for acceptance. The Secretary then read the following letter from City Attorney John J. O'Toole:

"Mr. Herbert Fleishhacker and Mr. John J. Lermen
Members of the Board of Park Commissioners
San Francisco, California

October 22,1940

"Dear Commissioner:

"A few days ago you referred to me verbally a request to advise you whether, in my opinion, the fund which has been donated for the erection of a memorial to John McLaren in Golden Gate Park and which the donors are now ready to turn over to the Board of Park Commissioners, would be subject to income tax.

"From the first hurried investigation, I was of the opinion that it would not be. However, I have taken the matter up with the income tax expert in the Controller's office and he is somewhat doubtful if the income from the fund would not be subject to tax since 1936.

"He has taken the matter up with the Internal Revenue Department and the Department declines to give him a ruling on it as the local officials are not themselves sure whether such a trust is subject to a tax. Section 163 of Title 26 (Internal Revenue Code) United States Codes annotated provides:

> "'For the purpose of the normal tax and surtax, an estate shall be allowed the same personal exemption as is allowed a single person under section 25 d and a trust shall be allowed, in lieu of the personal exemption under section 25 d, a credit of $100.00 against net income.'

"I understand that this provision of the Act became effective in 1936 so if the trust was subject to tax at all it may be possible that the income, over the sum of $100.00 per year, has been taxable for the past four years.

"The Board of Park Commissioners could make an application to the Internal Revenue Department for a ruling on this subject or possibly better, the bank in which the fund is deposited might make a request for such ruling. The amount of the tax is really payable by the beneficiary - that is, the Board of Park Commissioners - so the amount of the deposit could be accepted at the present time by the Park Commissioners with the understanding that if any tax were due on the income of the fund it could be met out of the fund, even after it was turned over to the Board of Park Commissioners for the purposes of the trust. The tax, if any, would not be more than 4% on the income over $100.00 and, according to the computation made by the expert from the Controller's office, it could not exceed three or four hundred dollars.

"Therefore, I think it would be well for the trustees of the fund to turn the amount thereof over to the Park Commissioners with the understanding that if there is any tax levied it will be met by the Park Commissioners out of the fund. To meet such tax the Commissioners might set aside an amount sufficient to pay the same if it should ever be declared due.

"I am quite sure a definite ruling could be had on this matter before you had expended the whole amount of the fund and therefore the work of constructing the memorial could proceed at once.

Very truly yours,

JNO J. O'TOOLE
City Attorney "

The following resolutions were then adopted by the Board:

Resolution No.345 - McLaren Dell Fund Accepted:

RESOLUTION NO. 345

WHEREAS at a meeting held July 11, 1940, the Board of Park Commissioners, by Resolution No. 316, did accept a trust fund to be used for the purpose of developing a Rhododendron and Azalea Dell in commemoration of the splendid work of John McLaren, and

WHEREAS said trust fund in the total amount of Twenty Thousand Five Hundred Eighteen and 27/100 ($20,518.27) Dollars has now been turned over to the Board of Park Commissioners,

NOW, THEREFORE, BE IT RESOLVED That the Secretary is hereby authorized to deposit the said trust fund with the City Treasurer in a special account to be known as the John McLaren Memorial Fund,

AND BE IT FURTHER RESOLVED, pursuant to the advice of the City Attorney, that the Controller be requested to place in reserve $750.00 from this fund for income tax delinquencies, if and when any are declared, and to be released to the balance of the fund if and when the proper tax authority declares no tax is due;

AND BE IT FURTHER RESOLVED That no expenditure be made from this fund without approval by resolution of the Board of Park Commissioners.

Resolution No. 347 - McLaren Dell Purchase of Plants:

RESOLUTION NO. 347

RESOLVED UNANIMOUSLY BY THE BOARD OF PARK COMMISSIONERS That the Secretary of the Park Commission be authorized to transmit requisitions to the Purchaser of Supplies for the purchase of the following materials necessary for the development of the John McLaren Memorial Rhododendron and Azalea Dell in Golden Gate Park, and to charge the cost thereof to the John McLaren Memorial Fund:

Requisition	Vendor	Article	Amount
1320	John Waterer & Sons	Rare Plants & Shrubs	$600.00
1321	Walter Slocock	"	1050.00
1322	Knapp Hill Nursery	"	75.00
1323	Hillier & Sons	"	375.00
1324	Rothschild	Seeds	52.50
		T o t a l	$2152.50

BE IT FURTHER RESOLVED that the Secretary is hereby authorized to request the Controller to make an allotment in accordance with the provisions hereto.

Resolution No. 349 - Strybing Bequest Fund:

RESOLUTION NO.349

RESOLVED unanimously by the Board of Park Commissioners that in connection with the development of the Arboretum, a sum not to exceed Fifty Dollars ($50.00) be authorized to be made available to Mr. Eric Walther for travelling expenses for a trip to Eureka; said monies to be provided from the Strybing Bequest Fund.

Proposed Arboretum Building:

In the matter of the proposed Arboretum Building the Board was of the opinion that certain changes should be made and requested that Julius Girod, First Assistant Superintendent, make a study of details and present to the Board at a subsequent meeting a written report of findings from his recent trip as well as his recommendations as to changes in the present plans, after which the Architect, Lewis Hobart, was to be called in for further discussion of the changes.

Aquatic Park Rowing Club Buildings:

The Secretary next read a report from City Architect, Dodge A. Riedy, relative to the facing of buildings at Aquatic Park. He also informed the Commission that the representative of the Rowing Clubs had requested an opportunity to discuss the matter with the Board before a final decision was made. After a brief discussion the matter was held in abeyance for further study.

Mural Repairs Coit Tower:

Commissioner Lermen then reported that he had met with Mr. Lucien Labaudt and Construction Superintendent Bart Rolph at Coit Tower relative to certain repairs to be done to the murals. After a brief discussion the matter was left in the hands of Commissioner Lermen.

Mrs. J.L.Flood Yew Tree Donation:

The Secretary then read a communication from Mrs. James L. Flood requesting proper identification of certain Yew trees which had been donated to the Park after being loaned to the Exposition. The Board then approved the following type of identification:

(Name of Tree)
Donated by Mrs. James L.Flood
Menlo Park

Furnishings from San Francisco Bldg. at Exposition:

President Fleishhacker then informed the Board that His Honor, the Mayor, had offered to the Park, besides the furniture and fixture already identified by Commissioner John Lermen for the proposed Diorama Building, any and all furniture and fixtures now in the San Francisco Building at Treasure Island, and that he had accepted this offer in the name of the Board, and that it would be necessary to expend several hundred dollars for drayage.

The Board ratified the action of the President and were unanimous in the opinion that the furniture and fixtures could be used to advantage in Park properties.

The following reports, copies of which had been presented to each Commissioner, were ordered filed:

Statement of Appropriations:

Statement of Appropriations
September 30, 1940

Profit & Loss Statement:

Profit & Loss Statement
3 mos. ending September 30, 1940.

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 6:20 P.M.

G. J. Linares
Secretary

San Francisco, California
November 14, 1940

Regular Meeting: A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, November 14, 1940 at 4:15 P. M.

There were present:

President Herbert Fleishhacker
Commissioner John J. Lermen
Commissioner Henry F. Budde
Commissioner George H. Sandy

Absent: Commissioner Parker S. Maddux

Minutes Approved: The minutes of the previous meeting, copies of which had been sent to each Commissioner, were then duly approved as the minutes of the regular meeting of October 24, 1940.

Proposed Park, Laurel Hill: Representatives from various civic organizations next appeared before the Commission requesting that consideration be given to acquiring a portion of the Laurel Hill Cemetery for park purposes. After a general discussion of the matter, it was ordered held in abeyance for further consideration after the first of the ensuing year.

Aquatic Park Concessions Requested: Mrs. Frances C. Bowles next appeared before the Board suggesting that the Aquatic Park Casino be leased and operated as a women's club. President Fleishhacker pointed out that the building could not be restricted for private use by certain clubs or groups but would have to be open to the public at all times, and that no action could be taken at this time due to pending litigation.

The request of Benj.Steacy relative to leasing of certain concessions at Aquatic Park Casino was also held in abeyance pending the outcome of litigation.

Request for Removal of Shrubbery at Robert Burns Statue:

The communication from the Robert Burns Committee of the Caledonian Club relative to the trimming of shrubbery surrounding the Robert Burns statue was referred to First Assistant Superintendent Girod with full power to act.

Request for Benches:

A request from W. H. Lane for benches to be placed on the west side of Stanyan Street opposite Waller was referred to First Assistant Superintendent Girod with full power to act.

Angling & Casting Club and S.F. Model Yacht Club Agreements Cancelled:

The Board next discussed a communication from William Lawson, Administrator of the Work Projects Administration, relative to the agreements with the Angling and Casting Club and the San Francisco Model Yacht Club. On motion of Commissioner Lermen, duly seconded and carried, the agreements were ordered cancelled in order that these buildings be made available for use by the general public at all times.

The following resolution was then adopted:

Resolution No.361

RESOLUTION No. 361

RESOLVED unanimously by the Board of Park Commissioners that the agreements between the Board of Park Commissioners and the Angling and Casting Club, and the San Francisco Model Yacht Club be cancelled.

C. N. Nelson Barge Offered for Aquatic Park:

Mr. C. N. Nelson next appeared before the Board offering to sell or lease a barge for use at Aquatic Park. The matter was referred to Mr. J. R. Hickey for a report.

Elephant Train Application Informally Approved:

The Board next considered the corrected application of Steven A. Rice for a concession for the operation of sightseeing trains in Golden Gate

Park. The Board approved the application subject to the decision of the City Attorney on the following:

(1) whether or not this application form meets with approval of the City Attorney

(2) whether or not it is necessary to call for competitive bids

(3) whether or not it is necessary to present the agreement to the Board of Supervisors for approval by Ordinance

The Commission further requested that if this application form meets with the approval of the City Attorney he prepare a formal agreement to be entered into between the Board of Park Commissioners and Steven Rice for final and formal approval by the Commission.

The Secretary was then instructed to inform the Gray Line, in answer to communications from them and their attorney, that a decision had been reached in the matter of the sightseeing train concession in Golden Gate Park.

Admission Taxes:

A communication from the City Controller relative to the city liability for admission taxes was next presented and ordered filed.

Request for Additional Gate at New Zoo:

A request from Mr. D. T. Berry that a gate be opened at the New Zoo on the Highway opposite the Monkey Island was referred to First Assistant Superintendent Girod for report at a subsequent meeting.

Zoo Stock Offered:

A communication from Otto Locke offering Zoo stock for sale was presented and ordered filed.

8th Ave. & Fulton St. Entrance:

A request from the Park Presidio Improvement Association for the widening of the entrance at Eighth Avenue and Fulton Street was next considered. It was the consensus of opinion that funds for this

work should be requested in the next budget appropriation. The Secretary was ordered to so advise the association.

Floral Display Requested by Shriner's Hospital: The request from the Shriner's Hospital for the installation of a floral emblem on the Main Drive for the East-West Game was next presented. First Assistant Superintendent Girod was directed to communicate with them and advise them that no funds were available for this purpose but that if they were willing to assume the cost the Commission would be glad to grant the request.

Landscaping Richmond-Sunset Sewage Treatment Plant Area: A communication from A. D. Wilder, Director of Public Works, relative to maintenance and landscaping of the Richmond-Sunset Sewage Treatment Plant area was referred to First Assistant Superintendent Julius Girod for report at the next meeting.

Jurisdiction deYoung Museum - City Atty Opinion: The opinion from the City Attorney relative to the jurisdiction of the deYoung Museum was next presented and ordered incorporated in the minute record:

"BOARD OF PARK COMMISSIONERS
Park Lodge
Golden Gate Park October 26,1940
San Francisco, California

"Gentlemen:

"Replying to your request of recent date wherein you asked whether or not the Board of Park Commissioners should be charged with a fee due an architect for services rendered in connection with the renovation of the M.H.deYoung Museum, situated in Golden Gate Park, you will please be advised that such a charge is not a proper one against the Board of Park Commissioners but that the payment should be made by the Trustees of the M. H. de Young Memorial Museum.

"This is pursuant to Section 51 of the Charter, which in part, provides:

"'The Park Commission shall maintain and care for the grounds of this memorial museum, and shall furnish the moneys for the necessary repair and embellishment of the

"'grounds and unoccupied parts. The Board of trustees (M. H. deYoung Memorial Museum) shall have the power to maintain, repair or reconstruct existing buildings and construct new buildings and to make and enter into contracts relating thereto, subject, however to the budget and annual appropriation ordinance.'

"Reading the provisions contained in the charter, in existence prior to the adoption of the present charter, confirms my opinion that the matter of the architect's fee should be made by the Trustees of the deYoung Memorial Museum, rather than by the Board of Park Commissioners.

Yours very truly,

JOHN J. O'TOOLE, City Attorney

(signed) By Sylvain D. Leipsic "

Land Purchases Approved: Upon request of the Director of Property the Board then approved the recommendation for the following purchases:

Yacht Harbor - E. Bates, Parcel No.2	$17,324.33
" " - Pacific Gas & Electric Co., Parcel No. 2	37,483.04
" " - W. B. Sharp et ex Parcel No. 1	10,000.00
Aquatic Park - Calif. Packing Corp. Parcel No.3	23,262.97
Lafayette Park - Parcel No.7	20,000.00
1st inst. 1940-41 taxes on unacquired portion	1,064.52
Fleishhacker Playfield - Parcel 6	
Wells Fargo Bank	10,438.43
Bank of California	8,201.62

Aquatic Park Facing of Rowing Club Buildings: Mr. Elmer Delaney next appeared before the Board relative to the facing of the buildings at Aquatic Park. At the suggestion of President Herbert Fleishhacker the matter was ordered held over until the next meeting to enable Mr. Clyde Healy, Assistant City Engineer to be present for the discussion.

Outdoor Christmas Tree Assn. Requests Granted: The Commission next granted the following requests of the Outdoor Christmas Tree Association in accordance with the established custom:

1. The lighting of the John McLaren Tree in front of the lodge on Friday, December 20 at 5 p.m. in honor of the birthday of John McLaren.

2. Judean Shepherd Scene in Lindley Meadows.

3. The lighting of eight or more trees in Union Square.

Location for Furuseth Monument:

Commissioner John Lermen next recommended to the Board a location in the vicinity of Land's End for the Furuseth monument. The Secretary was instructed to write to the Sailors' Union suggesting the proposed site and ask their approval of it, and further to submit the data on the monument to the Art Commission for their approval.

Market St. Ry. Shelter at 19th & Wawona Approved:

Upon motion of Commissioner Lermen, duly seconded and carried the request from the Market Street Railway Company to construct a shelter at 19th Avenue and Wawona Street was then granted.

Use of Balboa Nursery by S.F.Jr. College:

First Assistant Superintendent Julius Girod next reported that he had received a communication from the Board of Education offering to contribute the sum of $25.00 a month for heat and light in the buildings at Balboa Park Nursery. It was recommended that the Junior College be permitted the use of half of the No. 2 house, the office located at the west end of the potting shed for use as a classroom, and one acre of land adjacent to the buildings for garden use. The matter was referred to Commissioner John Lermen with full power to act.

Miniature Speedway Denied:

Upon recommendation of First Assistant Superintendent Girod the Board denied the request of the San Francisco Model Midget Association for a miniature speedway in one of the city parks.

Height of Buildings Telegraph Hill:

The Board next discussed the matter of the height of buildings on Telegraph Hill and it was the consensus of opinion that a letter should be written to the Board of Supervisors recommending that the height of buildings be restricted so as not to obstruct the view of persons standing on the crest of the hill.

Proposed Leasing of Beach Chalet:

The Secretary next presented a communication from Mr. George Davis relative to obtaining a concession at the Beach Chalet. The matter was referred to Commissioner Sandy for further investigation and report.

Renewal Authorized C.L.Harris Lease, Point Lobos:

The Board next authorized the Secretary to renew the lease with Mrs. C.L.Harris for a further period of one year, for a portion of land at Point Lobos.

At the request of the Secretary the following resolutions were then adopted by the Board:

Resolution No.350 - Transfers & Allotments:

RESOLUTION NO. 350

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Transfers and Allotments:

TRANSFERS

From:	To:	
012.130.01 Wages - General Division	012.135.01 Wages - Sick Leave, Gen. Div.	$3,500.00
012.130.02 Wages - Fleishhacker Zoo	012.135.02 Wages- Sick Leave,Zoo Div.	750.00

ADDITIONAL ALLOTMENTS

012.600.04	Yacht Harbor Land	$65,257.87
012.600.01	Fleishhacker Playfield Land	18,795.05
012.600.02	Lafayette Park Land	21,114.52
012.600.05	Aquatic Park Land	23,430.97

012.130.02	Wages - Fleishhacker Zoo	$7,800.00
012.300.02	Materials & Supplies - Zoo	400.00
012.300.03/1	Materials & Supplies for Resale, Commissary Unit	1,000.00

Resolution No.351
Tennis Fees
Golden Gate Park:

RESOLUTION NO. 351

RESOLVED unanimously by the Board of Park Commissioners that a service fee of 25¢ per hour be charged to adults reserving tennis courts at Golden Gate Park Tennis Center on Saturdays, Sundays and holidays and any other days the Commission may so designate.

Res. No.352
Harding Park
Space Rental
for
Golf Pro :

RESOLUTION NO. 352

RESOLVED unanimously by the Board of Park Commissioners that space now used by the professional golf instructor at Harding Park be charged for at the rate of $25.00 a month.

Res. No. 353
J.Punnett
Payment:

RESOLUTION NO.353

RESOLVED unanimously by the Board of Park Commissioners that the following invoice be approved and payment authorized:

JOHN. M. PUNNETT - First payment on contract of $1200.00 for preparing plans and specifications and supervising construction of the Second Unit of Yacht Harbor Extension, Marina, San Francisco $500.00

Res. No. 354
Locker Fees
Lincoln Park:

RESOLUTION NO.354

RESOLVED unanimously by the Board of Park Commissioners that the following fees be charged for the rental of lockers at Lincoln Golf course:

Monthly rental $1.00
Daily rental 25

Resolution No.355
Kezar Rates for Basketball:

RESOLUTION NO. 355

RESOLVED unanimously by the Board of Park Commissioners that for practice periods at Kezar Stadium Basketball Pavilion the following charges shall be made:

Industrial teams	$2.50 per hr.
Public and Parochial High Schools	1.00 " "
University teams	1.50 " "

Resolution No.356
Berth Rentals Yacht Harbor:

RESOLUTION NO.356

RESOLVED unanimously by the Board of Park Commissioners that the following rates for rental of berths at Yacht Harbor be adopted:

25 ft. berths	$12.50 per mo.
30 " "	15.00 " "
40 " "	20.00 " "

Res. No. 357
Tennis Fees Palace of Fine Arts:

RESOLUTION NO. 357

RESOLVED unanimously by the Board of Park Commissioners that the following fees be collected for the rental of the tennis courts at the Palace of Fine Arts:

Adults	$1.00 per hr.
Adults	.50 half hr.
College & Junior College Students	.50 hr.
High School Students	.25 hr.

Res. No.358
Rates for Fleishhacker Bathhouse:

RESOLUTION NO. 358

RESOLVED unanimously by the Board of Park Commissioners that the following rates be charged for admission to the Fleishhacker Bathhouse:

Adults	$ .25
Children	.15
Private Room	.40

Res. No. 359 Locker Fees G.G.Park Tennis Courts:

RESOLUTION NO. 359

RESOLVED unanimously by the Board of Park Commissioners that the following fees be charged for the rental of lockers at the Golden Gate Park Tennis Courts:

$3.00 per year
1.50 for six months
.50 per month

Res. No.360 Sharp Park Taxes:

Upon the request of the Director of Property the following resolution was adopted by the Board:

RESOLUTION NO. 360

RESOLVED unanimously by the Board of Park Commissioners that the San Mateo County taxes for 1940-41 for Sharp Park, totaling $261.21 be paid from funds available in the Sharp Park Bequest Fund, Appropriation No.944.

Huddart Park Taxes:

A communication from the Director of Property relative to taxes at Huddart Park was next presented and the Secretary was instructed to submit the matter to the City Attorney.

Resolution No.362 - Rate Increase Monthly Ticket Lincoln Park:

Upon recommendation of Mr. J. R. Hickey, the following resolution was then adopted:

RESOLUTION NO. 362

RESOLVED unanimously by the Board of Park Commissioners that the monthly ticket at Lincoln Park Golf Course be increased from $2.00 to $3.00, effective January 1, 1941.

The following reports, copies of which were presented to each Commissioner were ordered filed:

Construction Report: Construction Report covering work done in October and programmed for November.

Profit & Loss: Profit & Loss Statement, October 31,1940

Appropriations: Statement of Appropriations, October 31,1940

The following contracts, having been duly approved by the Board of Supervisors, were then ordered incorporated in the minute record:

T. Hagiwara Contract, Japanese Tea Garden:

"MEMORANDUM OF AGREEMENT, made and entered into this 1 day of Oct., 1940, by and between the Board of Park Commissioners of the City and County of San Francisco, hereinafter referred to as the First Party, and TAKANO HAGIWARA, hereinafter referred to as the Second Party,

W I T N E S S E T H:

"WHEREAS, the second party is the operator of the JAPANESE TEA GARDENS, located in Golden Gate Park, San Francisco, California, the boundaries of same being designated on a map attached hereto and made a part hereof; and

"WHEREAS, second party has operated for many years past said JAPANESE TEA GARDENS at the location herein mentioned; and

"WHEREAS, first party consents to second party maintaining and is willing to permit second party to maintain and continue in operation her aforesaid business at the said location mentioned, on a month to month tenancy;

"NOW, THEREFORE, it is mutually covenanted and agreed between the parties as follows:

(1) First party hereby grants to second party a month to month permit to operate said JAPANESE TEA GARDENS at a monthly rental of fifty dollars ($50.00) per month, payable in advance by second party on the first day of each and every month, commencing on the date of the execution of this agreement.

(2) Second party agrees to pay to first party the said sum of fifty dollars ($50.00) per month as and for rental for the concession referred to in paragraphs (1) and (2) hereof, said rental to be payable monthly in advance commencing on the date of the execution of this agreement.

(3) It is understood and agreed that this agreement with the rights hereunder granted, may be revoked at the will and pleasure of the first party, upon written notice given to second party by first party at least thirty (30) days prior to the date of the termination of this agreement, as herein specified.

(4) Second party agrees that she will save harmless first party from any and all claims for damages by reason of any injury sustained by any person or persons during the term of this agreement as a result of any negligence on the part of the second party, her employees or agents, in the maintenance and/or operation of the concession herein referred to in paragraph (1) hereof.

"(5) It is hereby understood and agreed that this agreement and the rights or privileges granted hereunder by first party shall not be assigned by second party, nor shall she let or underlet the whole or any part of the concession or area herein referred to without the written consent of the first party. Said second party further agrees not to permit any other person or persons to occupy or improve the concession or area herein referred to without the written consent of the first party.

(6) It is hereby understood and agreed that no signs of any kind or character are to be erected or placed upon the said concession or area herein referred to without the written consent of the first party first had and obtained.

(7) It is hereby mutually understood and agreed by and between the parties hereto that in the event second party shall be adjudged insolvent, either by voluntary or involuntary proceedings, or make an assignment for the benefit of creditors, this agreement and the rights or privileges hereunder granted to second party shall, at the option of the first party, immediately terminate, and in no event shall this agreement, or the rights or privileges hereunder granted, be treated as an asset of second party after adjudication in bankruptcy or assignment for the benefit of creditors; and it is further understood, covenanted and agreed that this agreement, and the rights and privileges hereunder granted, are not assignable, either voluntarily or involuntarily, or by any process of law.

(8) No agent or representative of the first party has any authority to vary the terms of this agreement, or to extend the rights or privileges, as herein set forth, or to make any statements or representations concerning this agreement, or the rights or privileges herein set forth, except such as may be endorsed hereon in writing, and then only after approval by the first party.

"IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, in duplicate, the day and year first above written.

BOARD OF PARK COMMISSIONERS

(ACKNOWLEDGED)

By JERRY LINARES, Secretary
(First Party)

(ACKNOWLEDGED)

TAKANO HAGIWARA
(Second Party)

"APPROVED AS TO FORM

JNO J. O'TOOLE
City Attorney
By Sylvain D. Leipsic
Deputy City Atty. "

H.S. Peterson Concession Agreement:

"MEMORANDUM OF AGREEMENT, made and entered into this 1st day of July, 1940, by and between the Board of Park Commissioners of the City and County of San Francisco, hereinafter referred to as the First Party, and HAROLD S. PETERSON, hereinafter referred to as the Second Party,

W I T N E S S E T H:

"WHEREAS, second party is the owner and operator of PETERSON'S WATER TAXIS, located at the foot of Buchanan Street, in the City and County of San Francisco, State of California, and upon that body of water known as "Gas House Cove"; and

"WHEREAS, second party has maintained for several years past a wharf and a club-house at the location herein mentioned; and

"WHEREAS, first party consents to second party maintaining and is willing to permit second party to maintain and continue in operation his aforesaid business at the said location mentioned, on a month to month tenancy;

"NOW, THEREFORE, it is mutually covenanted and agreed between the parties as follows:

1. First party hereby grants to second party a month to month permit for the use of a portion of the property on Beach Street, between Laguna and Buchanan Streets, San Francisco, California, generally known as "Gas House Cove" for a boat mooring and fishing concession, at the rental of fifty dollars ($50.00) per month, payable in advance by second party on the first day of each and every month, commencing on the date of the execution of this agreement, together with the use of the land on which second party has at present and has had for several years a wharf and a club house.

2. That attached hereto and made a part hereof for all purposes is a map upon which is marked in red pencil the area to which reference is made in paragraph (1) hereof.

3. Second party agrees to pay to first party the said sum of fifty dollars ($50.00) per month as and for rental for the concession referred to in paragraphs (1) and (2) hereof, said rental to be payable monthly in advance commencing on the date of the execution of this agreement.

4. It is understood and agreed that this agreement, with the rights hereunder granted, may be revoked at the will and pleasure of the first party, upon written notice given to second party by first party at least thirty (30) days prior to the date of the termination of this agreement, as herein specified.

" (5) Second party agrees that he will save harmless first party from any and all claims for damages by reason of any injury sustained by any person or persons during the term of this agreement as a result of any negligence on the part of the second party, his employees or agents, in the maintenance and/or operation of the concession herein referred to in paragraph (1) hereof.

(6) It is hereby understood and agreed that this agreement and the rights or privileges granted hereunder by first party shall not be assigned by second party, nor shall he let or underlet the whole or any part of the concession or area herein referred to without the written consent of the first party. Said second party further agrees not to permit any other person or persons to occupy or improve the concession or area herein referred to without the written consent of the first party.

(7) It is hereby understood and agreed that no signs of any kind or character are to be erected or placed upon the said concession or area herein referred to without the written consent of the first party first had and obtained.

(8) It is hereby mutually understood and agreed by and between the parties hereto that in the event second party shall be adjudged bankrupt or insolvent, either by voluntary or involuntary proceedings, or make an assignment for the benefit of creditors, this agreement and the rights or privileges hereunder granted to second party shall, at the option of the first party, immediately terminate, and in no event shall this agreement, or the rights or privileges hereunder granted, be treated as an asset of second party after adjudication in bankruptcy or assignment for the benefit of creditors; and it is further understood, covenanted and agreed that this agreement, and the rights and privileges hereunder granted, are not assignable, either voluntarily or involuntarily, or by any process of law.

(9) No agent or representative of the first party has any authority to vary the terms of this agreement, or to make any statements or representations concerning this agreement, or the rights or privileges herein set forth, except such as may be endorsed hereon in writing, and then only after approval by first party.

"IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, in duplicate, the day and year first above written.

BOARD OF PARK COMMISSIONERS

By JERRY LIVARES Secretary
(First Party)

(ACKNOWLEDGMENT)

HAROLD S. PETERSON
(Second Party)

"APPROVED AS TO FORM

JNO J. O'TOOLE
City Attorney "

L. Dougan Lease of Golf Practice Range:

"THIS AGREEMENT, made and entered into this 10 day of September, 1940, by and between the BOARD OF PARK COMMISSIONERS of the City and County of San Francisco, with the approval of the Board of Supervisors of the City and County of San Francisco, the party of the first part, hereinafter called and referred to as the Lessor, and LEE DOUGAN, the party of the second part, hereinafter called and referred to as the Lessee,

W I T N E S S E T H:

"1. The lessor hereby rents to the lessee for a period of one year, commencing on the 15 day of Sept., 1940, and ending on the 15 day of Sept., 1941, the hereinafter described property, which property is to be used and occupied by said lessee as a golf practice range, and for no other purpose.

"It is understood and agreed that the term of this lease, as herein provided, may be terminated sooner, in the event that the lessor's rights in and to said property be for any reason abrogated under the terms of that certain agreement of lease made and entered into by the lessor herein with the Spring Valley Company, Ltd., a corporation, under date of April 1, 1935, and in connection therewith said last mentioned agreement is referred to and made a part hereof for all purposes so far as the terms of this lease are concerned.

"2. That as rental for said property the lessee shall pay to the lessor the sum of fifty dollars ($50.00) per month, payable in advance on the first day of each and every month commencing on the date of the execution of this lease. Upon the execution of this lease said lessee shall also deposit the sum of fifty dollars ($50.00) as evidence of good faith for the faithful performance of the terms of this lease.

"3. Said lessee agrees that he will save the lessor free and harmless from any and all claims for damages by reason of any injury sustained by any person while on said leased property during the term of occupancy by said lessee.

"4. In the event that the lessee's rights hereunder be terminated at any time prior to the one year period herein mentioned, the lessor shall be under no legal obligation to the lessee by reason of the termination of this lease.

"5. It is hereby understood and agreed that said lessee will not assign this lease, or any part thereof, nor let or underlet the whole or any part of said premises without the written consent of said lessor. The lessee further agrees not to permit any other person or persons to occupy or improve said demised premises without the written consent of the lessor.

"6. It is hereby understood and agreed that no signs of any kind or character are to be erected or placed upon the aemised premises by the lessee without the written consent of the lessor first had and obtained.

"7. It is hereby mutually understood and agreed by and between the parties hereto that in the event that said lessee shall be adjudged bankrupt or insolvent, either by voluntary or involuntary proceedings, or make any assignment for the benefit of creditors, this lease shall, at the the option of the lessor, immediately terminate, and said lessor shall have the right to immediately re-enter said premises, and in no event shall this lease be treated as an asset of the lessee after adjudication in bankruptcy or assignment for creditors; and it is further understood, agreed and covenanted that this lease is not assignable, either voluntarily or involuntarily, or by any process of law.

"8. No agent or representative of the lessor has any authority to vary the terms of this agreement and lease, as herein set forth, or to make any settlements or representations concerning this lease or the premises, except such as may be endorsed hereon in writing, and then only after approval by the lessor.

"9. The lessee is hereby granted an option to extend the term of this lease for a period of one year from and after the expiration of the current lease on the same terms, covenants and conditions as contained in this lease, and that if said lessee desires to exercise the option herein granted him, he shall send written notice of his intention to exercise said option to the lessor sixty (60) days prior to the expiration of this lease.

"10. The property hereinabove referred to is situate, lying and being in said City and County of San Francisco, State of California, described as follows, towit:

That certain parcel of land lying within a tract of land bounded on the north and west by Sloat Boulevard and Sunset Boulevard, as shown on Map #4011, entitled: 'Map Showing Property for Proposed Lease, Vicinity of Sloat Boulevard, Skyline Connection,' and described as follows, towit:

Beginning at a point on the southerly line of Sloat Boulevard, distant thereon 318.33 feet westerly from the center line of 37th Avenue produced southerly (said line of Sloat Boulevard assumed to have a bearing of south 86º 59' 00" west), said point of beginning being the point of beginning of a curve 750 foot

"radius and running thence southwesterly along the southeasterly line of Sloat Skyline Connection Road on a curve of 750 foot radius, central angle 47° 30' 00", a distance of 621.774 feet; thence S. 39° 29' 00" W. along said line of Sloat Skyline Connection, tangent to the preceding curve, a distance of 117.29 feet; thence continuing southwesterly along said line of Sloat Skyline Connection on a curve to the left tangent to the preceding course, radius 541.109 feet central angle 18°31'48", a distance of 175.00 feet; thence S. 78°45'24" E. a distance of 937.398 feet; to a point on the easterly line of a service road; thence N. 1° 22' 14" W., a distance of 365.72 feet; thence N. 44° 20' 29" W. 66 feet; thence N. 37° 50' 29" W. 44 feet; thence N. 9°00' 29" W. 56 feet; thence N. 15°09'31" E. 141 feet, to the southwesterly line of a Sloat Boulevard Sunset Boulevard connecting road; thence northwesterly and westerly along said connecting road on a curve to the left radius 230 feet, central angle 44° 20' 31", a distance of 178 feet, to the southerly line of Sloat Boulevard and the point of beginning; containing 9.67 acres more or less.

"IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, in triplicate, the day and year first above written.

BOARD OF PARK COMMISSIONERS

(ACKNOWLEDGMENT)

By H.F. FLEISHHACKER, President
(Lessor)

JERRY LINARES Secretary

(ACKNOWLEDGMENT)

LEE DOUGAN
(Lessee)

Approved as to form

JNO J. O'TOOLE
City Attorney

9/17/40
By S.D. Leipsic "

The following resolutions and ordinances of the Board of Supervisors were then noted and ordered recorded and filed:

Sup. Res. 1388 McLaren Park Land Purchase:

"LAND PURCHASE - McLAREN PARK
RESOLUTION NO. 1388
(Series of 1939)

"RESOLVED, in accordance with the recommendation of the Park Department, that the City and County of San Francisco accept a deed from MARY KEARNS, or the legal owner, to Lot 10, Assessor's Block 6098, San Francisco, required for the proposed McLaren Park, and that the amount of $1,600.00 be paid for said land from Appropriation No. 012.600.03.

"The City Attorney shall examine and approve the title to said property.

"Adopted - Board of Supervisors, San Francisco, Oct. 21, 1940.

. . . . . .

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk

"Approved, San Francisco, Oct. 22, 1940.
ANGELO J. ROSSI
Mayor"

Sup. Res. 1411 Acceptance Major Bowes Gift Ralston Memorial:

"RESOLUTION NO. 1411
(Series of 1939)

"Accepting a gift of Ten Thousand Dollars ($10,000.00) from Major Edward Bowes to the Park Commission of the City and County of San Francisco for the erection of a monument in honor of the memory of the late William C. Ralston and agreeing to the terms and conditions of said gift as specified by said Major Edward Bowes.

. . . . . .

"Adopted - Board of Supervisors, San Francisco, Oct. 28, 1940."

Sup. Res. 1413 Acceptance McLaren Dell Gift:

"RESOLUTION NO. 1413

"Accepting a gift to the Park Commission of Twenty Thousand Five Hundred Eighteen Dollars and Twenty Seven Cents ($20,518.27) from certain citizens of San Francisco for the purpose of erecting in Golden Gate Park a memorial to be dedicated to John McLaren as a tribute to his monumental work in developing rare specimens of Rhododendron and Azalec, as well as a testimonial to him for the great work

"which he has done in developing Golden Gate Park and other parks throughout the City and County of San Francisco.

. . . . . .

"Adopted - Board of Supervisors, San Francisco, Nov. 4, 1940."

Ordinance 893
Bd. of Sup.
Ratifying Lease
Jap. Tea Garden:

"NOTICE OF FINAL PASSAGE

Bill No.904 Ordinance No.893
(Series of 1939)

"RATIFYING A LEASE BETWEEN THE BOARD OF PARK COMMISSIONERS AND TAKANO HAGIWARA FOR THE USE OF THE JAPANESE TEA GARDENS IN GOLDEN GATE PARK.

"Read Second Time and Finally Passed -- Board of Supervisors, San Francisco, Oct. 21, 1940."

Ordinance 891
Bd. of Sup.
Ratifying
Lee Dougan
Lease:

"NOTICE OF FINAL PASSAGE

Bill No.892 Ordinance No.891
(Series of 1939)

"RATIFYING LEASE BETWEEN THE BOARD OF PARK COMMISSIONERS AND LEE DOUGAN FOR THE LEASING OF LAND BOUNDED ON THE NORTH AND WEST BY SLOAT BOULEVARD AND SUNSET BOULEVARD.

"Read Second Time and Finally Passed -- Board of Supervisors, San Francisco, Oct. 21, 1940."

Ordinance No.892
Bd. of Sup.
Ratifying Lease
H.S. Peterson:

"NOTICE OF FINAL PASSAGE

Bill No.903 Ordinance No.892
(Series of 1939)

"RATIFYING A LEASE BETWEEN THE BOARD OF PARK COMMISSIONERS AND HAROLD S. PETERSON, LEASING TO SAID HAROLD S. PETERSON A CERTAIN WHARF AND A BOAT MOORING AND FISHING CONCESSION OFF OF BEACH STREET BETWEEN LAGUNA AND BUCHANAN STREETS AND ADJACENT TO THE UNITED STATES TRANSPORT DOCK WHICH SAID WHARF AND BUILDINGS PERTINENT THERETO ARE COMMONLY KNOWN AND DESIGNATED AS PETERSON'S WATER TAXIS.

"Read Second Time and Finally Passed-- Board of Supervisors, San Francisco, Oct. 21, 1940."

Meeting Adjourned: There being no further business to come before the Board the meeting adjourned at 5:50 P.M.

G. J. Linares
Secretary

San Francisco, California
November 28, 1940

Regular Meeting:

A regular meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, November 28, 1940, 4:00 P.M.

There were present:

President Herbert Fleishhacker
Commissioner Henry F. Budde
Commissioner John J. Lermen
Commissioner George H. Sandy

Absent:
Commissioner Parker S. Maddux

Minutes Approved:

The minutes of the previous meeting, copies of which had been sent to each Commissioner, were then duly adopted as the minutes of the regular meeting of November 14, 1940.

The following resolutions were adopted by the Board:

Res. No.363 Transfers & Allotments:

RESOLUTION NO. 363

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Transfers and Allotments:

TRANSFERS

From: Appropriation No.	To: Appropriation No.	
012-300-C2 Materials & Supplies - Zoo	012-400-C2 Equipment - Zoo	$ 40.00
012-300-C4 Materials & Supplies, Recreational Unit	012-400-C4 Equipment - Recreational Unit	160.20

ADDITIONAL ALLOTMENTS

Appropriation:

012-400-C1 Equipment - General Division	$300.00
012-400-C4 Equipment - Recreational Unit	176.75

Resolution No.364:

RESOLUTION NO.364

RESOLVED unanimously by the Board of Park Commissioners that the following bill be approved and payment authorized:

RALPH MURRAY
6 concerts @ $339.70 $2,038.20

Resolution No. 365:

RESOLUTION NO.365

RESOLVED unanimously by the Board of Park Commissioners that the sum of $4500.00 be made available from the JOHN McLAREN RHODODENDRON AND AZALEA FUND to be used for the purchase of pipe and fittings for irrigation purposes in the above mentioned dell.

Extension of Clayton St. through Panhandle:

The matter of extending Clayton Street through the Panhandle was next considered by the Board and after a brief discussion was ordered held over for further consideration.

McLaren Drive Paving Discussed:

Mr. Clyde Healy, Assistant City Engineer, next appeared before the Board to discuss the paving of McLaren Drive. On motion of Commissioner Budde, duly seconded and carried, the Secretary was authorized to direct a communication to Mr. Clyde Healy requesting the assistance of the Work Projects Administration on this matter.

Holly Park Improvements:

The Secretary next presented a communication from the Honorable John Ratto, Supervisor, calling attention to numerous improvements needed at Holly Park. After a brief discussion it was the unanimous opinion of the Board that funds be requested for these improvements in the budget for the ensuing year.

Dedication "Pioneer Mother": The Board next approved the request of the Citizens Committee to dedicate the statue of the Pioneer Mother located in Memorial Grove in Golden Gate Park on Sunday, December 8, 1940. Mrs. Ryan, representing the Native Daughters appeared before the Board requesting that a plaque or suitable inscription be placed on the base of the statue. Commissioner John J. Lermen and First Assistant Superintendent Girod were requested to assist in any way possible.

Request for Shelter - Mission Park: A petition from the Eureka Valley Promotion Association was next presented requesting certain improvements in Mission Park. President Fleishhacker advised that no funds were available at this time and requested the Secretary to call the matter to the attention of the Commission when preparing the budget for the ensuing year.

Repair of Columns - Palace of Fine Arts: The Board next considered the communication from the Marina Home Owners Protective Association relative to the need of repair of the bases of columns at the Palace of Fine Arts. First Assistant Superintendent Girod was requested to have an estimate of cost for this work prepared by the construction superintendent.

Recreational Supervision, Parks & Squares: The matter of recreational supervision for parks and squares, requested by the Second District Parent-Teacher Association was ordered held in abeyance.

Aquatic Park Rowing Club Building Improvements: The Board next discussed the facing of the Rowing Club buildings at Aquatic Park and on motion of Commissioner Lermen, duly seconded and carried, the following resolution was adopted:

Resolution No.366:

RESOLUTION NO.366

RESOLVED unanimously by the Board of Park Commissioners that the City Architect be requested to prepare plans and specifications for the facing of the rowing club buildings at Aquatic Park, the cost of the work on said buildings, including architectural fees, not to exceed the sum of $4900.00; the said plans and specifications to be subject to the approval of Commissioner John Lermen, chairman of the Roads and Structures Committee.

Improvements McKinley Square:

The request of the Southern Heights Improvement Club that funds be included in the next budget for the improvement of McKinley Square was referred to First Assistant Superintendent Girod for further report.

Use of Aquatic Park Casino for Bus Terminal Requested:

A petition asking for the use of the Aquatic Park Casino as a terminal for the Marin Bus Line was denied.

Huddart Park Taxes:

A communication from the City Attorney relative to the Board of Park Commissioners' obligation to pay taxes on Huddart Park was ordered held in abeyance, and the Secretary instructed to inform the Controller that demand for payment of taxes had been made on the Board and that since no funds had been appropriated the Board was unable to pay them.

Maintenance Center Strip Funston Ave.

The communication from the Division of Highways, dated November 18, relative to the turning over to the Park Commission of the responsibility of maintenance of the center division strip on Funston Avenue was ordered filed. First Assistant Superintendent Girod was directed to acknowledge their letter.

Signs Requested Presidio Blvd: A communication from the Chief of Police requesting the installation of signs on street corners along Presidio Blvd. was referred to First Assistant Superintendent Girod for reply.

Coit Tower, Viewing Machines Denied: A request from the Tower Optical Company to install viewing machines was denied as a matter of policy.

Communication from Cooks' Union: A communication from the Cooks' Union relative to the case of one of the employees in the Commissary Division was referred to First Assistant Superintendent Girod and Mr. Charles Ellars, Superintendent of Restaurants and Playgrounds.

Healy-Tibbitts Extension of Contract, 1st Unit Yacht Harbor: On motion of Commissioner Budde, duly seconded and carried, the Board then granted the request of the Healy-Tibbitts Construction Company for an extension of thirty-five working days on their contract for the construction of the First Unit of Yacht Harbor Extension.

Landscaping, Richmond-Sunset Sewage Plant: First Assistant Superintendent Girod next reported that he was not satisfied with the plans for landscaping of the Richmond-Sunset Sewage Treatment Plant area as submitted by the Department of Public Works. The Board then rejected the plan as submitted, as not being in accordance with the original agreement, and President Fleishhacker reported that he would communicate further with the Director of the Board of Public Works and report at the next meeting.

Location, Furuseth Monument: Relative to the site for the Andrew Furuseth Monument, First Assistant Superintendent Girod reported that a committee from the Sailors' Union

had approved the proposed site on Harding Boulevard opposite the Marine Exchange Building. He further reported that the Sailors' Union would send a communication to the Board relative to this matter and the Board ordered it held in abeyance pending receipt of this communication.

Additional Gate - New Zoo:

On recommendation of First Assistant Superintendent Girod, the Board approved the opening of the additional gate on Sloat Boulevard at the new San Francisco Zoological Gardens on Saturdays, Sundays, and holidays.

Re-opening of Great Highway:

Mr. Girod next reported that he had been advised by Capt. Munn, Chief of the Traffic Bureau, that the Great Highway barricade would be removed and that it would be opened for traffic from Lincoln Way to Sloat Boulevard on November 29,1940.

Use of Balboa Nursery by S.F.Jr. College:

Commissioner Lermen then reported that he had approved the arrangements made between Mr. L.G.Conlon, Coordinator, Educational Management, and First Assistant Superintendent Girod for the use of Balboa Park Nursery in accordance with the following communication:

"SAN FRANCISCO JUNIOR COLLEGE
San Francisco, California

"Office of the
President November 19,1940

"Mr. Julius Girod
Park Lodge
San Francisco, California

"Dear Mr. Girod:

"Following our conversation today, I am sending you description of the facilities which we have requested from the Park Commission at Balboa Park.

"The use of one-half of green house No.2; the one table in the potting shed; the classroom at the western end of the potting shed; and a section of the open ground located on the western end of the premises.

"The college asks permission to occupy the above mentioned premises from the present time through the month of May next. This use will be secondary to that of the Park Commission. The college agrees to cooperate to the fullest extent in the proper maintenance of the premises.

Very truly yours,

(signed) LOUIS G. CONLON
Coordinator,
Educational Management."

Proposed Building for Sea Scouts:

There next appeared before the Board Mr. Ernest L. West and Mr. William Grosbeck, representing the Marina Civic Improvement Association, requesting that the Board give consideration to their plan for raising funds by public subscription for the purpose of constructing a building on the north side of the Marina Boulevard between Buchanan and Laguna Streets, to be used as a clubhouse for the San Francisco area Sea Scouts of the Boy Scouts of America. They further requested that the Board set aside a plot of land in the above stated area and that authorization be granted for the erection of the building on this site; also that a cost estimate of the necessary landscaping be prepared. The Commission was sympathetic toward the plan of providing suitable quarters for the Sea Scouts, but wished to investigate further certain phases of the problem before making a decision.

The Board directed First Assistant Superintendent Girod to have prepared an estimate for the landscaping and Commissioner John Lermen was requested to investigate the proposed site and the legal questions involved.

Burglary Kezar Concession Room: Upon request of the Secretary, the Board then ordered that the loss of candy bars valued at $1.44, resulting from a theft at the Kezar Concession Room on November 9, 1940, be written off the books.

Claim of Lester Patterson: The Secretary next reported that the application of Lester Patterson before the Industrial Accident Commission for adjustment of claim for compensation for injuries sustained while employed by the Park Commission, was denied and discharged.

Aquatic Park Furniture: The matter of furniture for Aquatic Park was again called to the attention of the Board and was ordered held in abeyance pending further investigation by Mr. Charles Ellars.

Arboretum Communications: Communications relative to the development of the Arboretum were called to the attention of the Board and ordered filed.

Elephant Train Concession: Mr. Raymond Williamson, representing Mr. Steven Rice, next appeared before the Board relative to the sight-seeing train concession, and was advised that the City Attorney had not as yet replied to the Board's communication nor prepared the necessary agreement to be entered into between the applicant and the Board of Park Commissioners.

New Zoo Safety Measures Ordered: A communication from Mr. Lewis P. Hobart was then read recommending certain improvements at the Lion House at the new Zoo. The Board authorized Construction Superintendent Bart Roipn to proceed with these repairs without delay.

Proposed Arboretum Building: The Board next considered the plans for a proposed building to be constructed in the Arboretum. Members of the Board were of the opinion that a further study should be made, and no action was taken at this time.

The following resolutions from the Board of Supervisors were then ordered incorporated in the minute record:

Supervisors' Res. No. 1452 Yacht Harbor Land Purchases:

"RESOLUTION NO. 1452
(Series of 1939)

"YACHT HARBOR LAND PURCHASE AGREEMENT WITH W. B. SHARP ET UX.

"RESOLVED, in accordance with the recommendation of the Park Department, that the CITY AND COUNTY OF SAN FRANCISCO, A municipal corporation, enter into a written agreement with W. B. SHARP and BERTHA F. SHARP, his wife, for the right and privilege of using and purchasing the following described real property, or a portion or portions thereof, situated in the City and County of San Francisco, State of California:

"PARCEL 1

COMMENCING at the point of intersection of the southerly line of Lewis Street with the westerly line of Buchanan Street; running thence southerly along the westerly line of Buchanan Street, 309 feet 4½ inches; thence at a right angle westerly 53.872 feet; thence northerly parallel with the westerly line of Buchanan Street 309 feet 4½ inches to a point on the southerly line of Lewis Street; thence easterly along last named line 53.872 feet to the point of commencement.

"PARCEL 2

COMMENCING at a point on the southerly line of Lewis Street, distant thereon 53.872 feet westerly from the westerly line of Buchanan Street; running thence westerly along the southerly line of Lewis Street 27.378 feet; thence southerly parallel with the westerly line of Buchanan Street 309 feet 4½ inches; thence at a right angle easterly 27.378 feet; thence northerly parallel with the westerly line of Buchanan Street 309 feet 4½ inches to the point of commencement.

"PARCEL 3

All right, title and interest in and to the following described land: COMMENCING at a point on the southerly line of Lewis Street, distant thereon 81 feet 3 inches from the westerly line of Buchanan Street; running thence westerly along the southerly line of Lewis Street 8 feet 9 inches; thence southerly parallel with the westerly line of Buchanan Street 309 feet 4½ inches; thence at a right angle easterly 8 feet 9 inches; thence northerly parallel with the westerly line of Buchanan Street 309 feet 4½ inches to the point of commencement. Also, all right, title and interest

"PARCEL 3 (continued)

"in and to those portions of the south half of Lewis Street and the west half of Buchanan Street adjoining Parcels 1, 2 and 3.

"BE IT FURTHER RESOLVED, that the City and County of San Francisco, a municipal corporation, accept a deed from W. B. SHARP et ux, or the legal owner, to said Parcel 1, and that the sum of $10,000.00 be paid for said parcel from Appropriation No. 012.600.04.

"The City shall have the right to purchase Parcels 2 and 3 for the sum of $5,894.30 on or before December 5, 1941, plus interest thereon at the rate of 3 per cent per annum from December 1, 1940, to date of purchasing Parcels 2 and 3. The City shall reimburse W. B. Sharp et ux for all taxes paid by them on Parcels 2 and 3 for the period from December 1, 1940, to date of purchasing said parcels.

"The Mayor and the Clerk of the Board of Supervisors are hereby authorized and directed to execute the necessary agreement on behalf of the City and County of San Francisco, a municipal corporation, for the right and privilege of using and purchasing the above described property, subject to the terms and conditions of this resolution, which agreement shall be dated as of December 1, 1940.

"Nothing contained in this resolution or in said agreement shall be construed to obligate the City and County of San Francisco to complete the purchase of Parcels 2 and 3.

"Adopted--Board of Supervisors, San Francisco, Nov. 18, 1940. ...

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk

"Approved, San Francisco, Nov. 19, 1940.

ANGELO J. ROSSI,
Mayor."

Supervisors' Res. No. 1453 Land Purchase:

"RESOLUTION NO. 1453
(Series of 1939)

"LAND PURCHASE--YACHT HARBOR, PACIFIC GAS & ELECTRIC COMPANY, PARCEL 2.

"RESOLVED, pursuant to Resolution No. 568, Series of 1939, adopted by this Board on October 2, 1939, and in accordance with the recommendation of the Park Department that the City and County of San Francisco, a municipal corporation, accept a deed from PACIFIC GAS & ELECTRIC COMPANY, or the legal owner, to the easterly 267.5 feet of Assessor's Block 435, San Francisco, except the portion now owned by the City, required for Yacht Harbor, and that the sum of $37,483.04 be paid for said land from Appropriation No. 012.600.04.

"The City Attorney shall examine and approve the title of said property.

"Adopted--Board of Supervisors, San Francisco, Nov.18,1940. ...

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk

"Approved, San Francisco, Nov.19,1940.

ANGELO J. ROSSI
Mayor."

Supervisors' Res. No.1454 Land Purchase:

"RESOLUTION NO.1454
(Series of 1939)

"LAND PURCHASE--YACHT HARBOR
BATES, PARCEL 2

"RESOLVED, pursuant to Resolution No.868, Series of 1939, adopted by this Board on March 11, 1940, and in accordance with the recommendation of the Park Department that the City and County of San Francisco accept a deed from EMMELINE L. BATES, or the legal owner, to the following described land situated in San Francisco, California, required for Yacht Harbor, and that the sum of $17,384.33 be paid for said land from Appropriation No.012.600.04:

"COMMENCING at a point on the westerly line of Laguna Street distant thereon 435.42 feet southerly from the southerly line of Lewis Street; running thence southerly along the westerly line of Lewis Street 217.705 feet; thence at a right angle westerly 132.5 feet; thence at a right angle northerly 217.705 feet; thence at a right angle easterly 132.5 feet to the point of commencement.

"The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, Nov.18,1940. ...

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY, Clerk.

"Approved, San Francisco, Nov.19,1940.

ANGELO J. ROSSI, Mayor."

Meeting Adjourned:

There being no further business to come before the Board, the meeting adjourned at 6:20 P.M.

G. J. Linares
Secretary

San Francisco, California
December 10, 1940

Special Meeting:

A special meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Tuesday, December 10,1940, at 4:00 P.M.

There were present:

President Herbert Fleishhacker
Commissioner Henry F. Budde
Commissioner John J. Lermen
Commissioner George H. Sandy
Commissioner Parker S. Maddux

The following resolutions were introduced and adopted:

RESOLUTION NO. 368

Resolution No.368 Approval of Work Orders:

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business, the Controller be requested to approve the following Work Orders:

	Vendor	Description	
No.38	Dept. of Public Works - Public Buildings	Electrical work incident to Christmas Decorations at Park Lodge, etc.	$216.90
No.39	Purchasing Department Shop #2	Misc. Repairs to Equipment - Additional, Oct. Nov. and Dec.	400.00
No.40	Purchasing Department Shop #1	Blacksmithing services, etc. Additional for Oct. Nov. & Dec.	200.00
No.42	San Francisco Water Department	Bituminizing Road in front of Japanese Tea Gardens	40.00

RESOLUTION NO. 369

Resolution No.369 - Transfers & Allotments:

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Transfers and Allotments:

TRANSFERS

From: Appropriation No.	To: Appropriation No.	
012-200-01 Contractual Services - General	012-900-01 Services Other Depts.-General	$500.00
012-300-04 Materials & Supplies-Recreational	012-400-04 Equipment-Recreational	154.50

ALLOTMENTS

012-500-12 Aquatic Park Improvements	$500.00
012-600-04 Yacht Harbor Land	1,549.08
012-600-05 Aquatic Park Land	2,424.52

Resolution No. 370
Payment:

RESOLUTION NO. 370

WHEREAS for a number of years past there has been and there is now existing an agreement between this Commission and the San Francisco Examiner, in accordance with the provisions of which agreement the San Francisco Examiner has agreed to advertise and publicize the annual game of football between the colleges of Santa Clara and St. Mary's; and

WHEREAS, in accordance with the terms of said agreement heretofore and now existing, this Commission promised and agreed to pay to the said San Francisco Examiner the sum of $1750.00 out of the share of this Commission in the proceeds of said game, it being understood and agreed between this Commission and the said San Francisco Examiner that the said sum of money so paid would be used as part of the Christmas fund of the San Francisco Examiner for needy and destitute San Francisco families; and

WHEREAS the publicizing and advertising of said game by said San Francisco Examiner has greatly increased the attendance at said game, thereby increasing the amount received by said Board of Park Commissioners for the use of the Kezar Stadium for said football game; and

WHEREAS the said San Francisco Examiner has performed all of the terms of said agreement upon its part to be kept or performed;

NOW, THEREFORE, BE IT RESOLVED that the sum of Seventeen Hundred and Fifty Dollars ($1750.00) be and the same is hereby ordered paid to the San Francisco Examiner in consideration for its services in advertising and publicizing the said annual game of 1940 between the said two colleges, and the Controller of the City and County of San Francisco is hereby requested, authorized, and directed to draw

his warrant in the said sum of Seventeen Hundred and Fifty Dollars ($1750.00) in favor of the San Francisco Examiner and charge the same against the share of this Commission in the proceeds of said annual game between the said colleges on the 17th day of November, 1940, said sum of Seventeen Hundred and Fifty Dollars ($1750.00) to be used as part of the Christmas fund of the San Francisco Examiner for the relief of needy and destitute families of San Francisco; and

BE IT FURTHER RESOLVED that the said agreement now and heretofore existing between this Commission and the San Francisco Examiner be and the same is now terminated. Any agreement for any future compensation to be paid to the said San Francisco Examiner in connection with the said annual football game between the said two colleges must be the subject of future discussion and negotiation between this Commission and the said San Francisco Examiner, any such agreement, if any, to be consummated not later than sixty days before the holding of said annual football game between the said two colleges.

City Atty. Authority for Examiner Payment:

The following communication from the City Attorney to the Controller was ordered incorporated in the minute record:

"JOHN J. O'TOOLE
CITY ATTORNEY

"Honorable Harold J. Boyd November 28,1940
Controller
City Hall
San Francisco, California

"Dear Sir:

"You have submitted to me the question as to the right of the Park Commission to make an allocation to the Christmas Fund of the 'San Francisco Examiner' out of the allotment to the Park Commission of the Santa Clara - St. Mary's Game.

"I understand the amount of the allotment was agreed upon some years ago between the 'San Francisco Examiner' and the Park Commission, the consideration for the agreement being that the 'Examiner' would by advertisement, editorial articles and news items, advertise and publicize the game between the University of Santa Clara and St. Mary's College, the amount which would be paid to the Park Commission as the result of the playing of said game in the Park Stadium, it being understood that the amount which the Park Commission was to receive was dependent upon the gross receipts from the game.

"I understand that since the time of said agreement, the 'San Francisco Examiner' has kept its part of the agreement, and has duly publicized the annual game between these two universities, and the question

"now to be determined is: Can the provisions of the original agreement be still carried into effect?

"The agreement was not made for any particular year. At the time it was made, both universities were in need of publicizing and advertising by the 'Examiner' the attendance has been increased from an ordinary minor football game to the second outstanding game in the Bay Area. Therefore, in response to your question as to whether or not the Park Commission has the right to carry out the terms of the agreement, you are advised that if the agreement is still effective, the latter body, either by statement or resolution, has the right to allocate and pay to the 'San Francisco Examiner' its proportionate share of its returns from the annual game between the two universities.

Sincerely,

(signed) JOHN J. O'TOOLE
City Attorney "

Sight-seeing Train Contract Discussed: There next appeared before the Board Mr. Raymond Williamson, representing Mr. Steven Rice. The matter of the proposed sight-seeing train concession was then discussed and it was the consensus of opinion that the matter be held in abeyance pending the advice of the City Attorney relative to certain provisions in the agreement.

City Atty Opinion: The Board then ordered that the following opinion from the City Attorney relative to this concession be incorporated in the minute record:

"OPINION OF CITY ATTORNEY

December 3,1940.

"SUBJECT: In re - Operation of Sightseeing Trains in Golden Gate Park.

"Gentlemen:

"You have sent me a proposed agreement between your Board and S. A. Rice relative to so-called sightseeing trains in Golden Gate Park and along the Ocean Beach Esplanade. You have asked that I examine the proposed agreement, and also advise you if such an agreement can be entered into between your Board and the applicant without submitting the matter to competitive bids, and whether the agreement must be confirmed by the Board of Supervisors.

" OPINION

" We will give consideration first to the last inquiry, to-wit:

" 'Are competitive bids necessary before you can enter into such an agreement?'

" In the first place, there is nothing in the Charter which requires the granting of a concession, such as is proposed to be granted by the agreement, to be submitted to competitive bidding.

" 'In the absence of a charter or statutory requirement municipal contracts need not be let under competitive bidding.'

McQUILLIN on MUNICIPAL CORPORATIONS, Sec. 1288.

" Furthermore, I have several times advised various departments that where the personal element enters into the selection of the individual to execute the contract, competitive bidding is not required.

See: ADAMS v. ZEIGLER, 22 Cal. App. (2d) 135.

" Although the City Charter provided that the City was not to be bound by any contract unless the City council first caused notices to be published inviting proposals, and the contract was to be let to the lowest responsible bidder, such provision was inapplicable where the contracts were for personal services depending on the personal skill or ability of the individual.

" In the instant case the compensation to be received for the concession is on a percentage basis of the gross receipts of the concessionaire. Hence, both the personality and ability of concessionaire must be taken into consideration. A person lacking in personality, and with neither experience nor ability to conduct the concession, might offer a far higher percentage of his profits than one having the requisite experience, and still the City might receive very much less in return. I am, therefore, of the opinion that the instant case is one in which competitive bids are not necessary.

" Secondly - the agreement: I have examined the agreement and make the following comments:

" Page 3, sub. E - 'All employees while on duty will at all times be uniformed in a manner provided by applicant.' I would suggest adding 'and approved by the Park Commission.'

" Page 3, sub. G - 'The rights of way on the Park Commission roads shall be as herein designated, subject, however, to such rules and regulations as may be hereafter agreed upon.' It is my opinion that the Park Commission should have the right to make rules without agreement of applicant.

" Page 4, sub.H - 'Applicant shall obtain public liability insurance, etc.' Amount of insurance should be specified. It should also be provided that no policy shall be cancelled without at least fifteen days' notice being given to the Commission.

" Page 4, sub. K - ' * * * subject to such rules and regulations as the applicant shall agree upon.' The Park Commission should make the rules.

" Page 4, sub. L - A list of all passes should be filed with the Park Commission.

" I further note that paragraph I on page 1 of the agreement provides for 'the exclusive operation of so-called sightseeing trains within Golden Gate Park.' I understand that at the present time certain sightseeing buses make up sightseeing tours at downtown hotels and other central points, and that these tours include a ride through Golden Gate Park and along the Esplanade. It should be definitely settled in the agreement if these tours are to be permitted to continue.

" I also understand that one of these sightseeing buses makes regular trips along the Esplanade between Balboa Street and Fleishhacker Pool. If this line is to continue, the agreement should so provide.

" Thirdly - Does the agreement have to be ratified by the Board of Supervisors?

" Section 41 of the Charter gives to the Park Commission 'complete and exclusive control, management and direction of the parks, squares, avenues, etc.' It is only when the Commission leases any structure for recreation purposes that the lease has to be approved by the Board of Supervisors. The proposed agreement is not a lease, and therefore, it does not have to be approved by the Board of Supervisors. The proposed agreements are returned to you for such changes as are suggested.

" Finally - I note that the proposed agreement contains no prohibition against assignment by the concessionaire. As the personality and ability of this particular concessionaire has been taken into consideration in the granting of the concession, I would suggest the following clause against assignability of the agreement:

" 'This agreement shall not, nor shall any of the rights or privileges granted by it, be assignable by the applicant, directly or indirectly, without the consent of the Park Commission, nor shall the same be assignable by operation of law or otherwise, and should the applicant make any attempt to assign this agreement, or any right thereunder, the Park Commission may cancel this agreement, and all rights of the applicant shall, at the option of the Park Commission, cease and determine. Should the applicant make any assignment for the benefit of creditors, or be declared a bankrupt, either by voluntary or involuntary proceedings, in no event

" shall any right or privilege existing under this agreement pass to any assignee for the benefit of creditors, or to the referee or assignee in bankruptcy, or become a part of the estate of said bankrupt, and in the event of any assignment for the benefit of creditors or the bankruptcy of said applicant, the Park Commission may cancel said agreement and all rights thereunder.'

Respectfully submitted,

(signed) JNO. J. O'TOOLE
City Attorney"

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:20 P. M.

G. J. Linares
Secretary

San Francisco, California
December 19, 1940

Postponed Meeting:

A postponed meeting of the Board of Park Commissioners was held at the Park Lodge, San Francisco, on Thursday, December 19, 1940, at 4:00 P.M.

There were present:

President Herbert Fleishhacker
Commissioner Henry F. Budde
Commissioner John J. Lermen
Commissioner George H. Sandy

Absent: Commissioner Parker S. Maddux

Minutes Approved:

The minutes of the regular meeting of November 28 and the special meeting of December 10,1940, copies of which had been sent to each of the Commissioners, were then duly approved.

Resolution No.367 - McLean Bequest Acceptance:

The following resolution was next adopted:

RESOLUTION NO. 367

WHEREAS May McLean in her Last Will and Testament bequeathed to the Board of Park Commissioners the sum of Twenty-Five Hundred Dollars ($2500.00) with interest, and a Note executed by Angela Ghirardelli and John Ghirardelli to May McLean, dated November 26, 1935, in the amount of Twenty-Seven Hundred Sixty Five Dollars ($2765.00) with interest collected thereon during the period of administration in the amount of Three Hundred Forty-Four Dollars and Seventy-Five Cents ($344.75); and

WHEREAS the above bequest was made for the specific purpose of erecting a convenient and suitable drinking fountain at Aquatic Park in memory of her family; and

WHEREAS this bequest has been accepted by this Commission at its regular meeting held October 26, 1939, and deposited with the Treasurer of the City and County of San Francisco;

NOW, THEREFORE, BE IT RESOLVED that pursuant to the provisions of the Charter of the City and County of San Francisco, the Board of Supervisors be requested to accept this bequest in the name of the City and County of San Francisco.

The following resolutions of the Board of Supervisors were next ordered incorporated into the minute record:

Supervisors' Resolution No. 1464 - Fleishhacker Playfield Land Purchase:

"RESOLUTION NO. 1464
(Series of 1939)

"LAND PURCHASE - FLEISHHACKER PLAYFIELD
PARCEL 6

"RESOLVED, pursuant to Resolution No. 1828, adopted by this Board on April 1, 1935, and in accordance with the recommendation of the Park Department that the City and County of San Francisco, a municipal corporation, accept deeds from the following named parties, or the legal owners to a portion of Lot 40, Assessor's Block 7201, San Francisco, approximate size 119 feet by 1,740 feet, required for Fleishhacker Playfield, and that the total sum of $18,640.05 be paid for said land from Appropriation No. 012.600.01

Wells Fargo Bank & Union Trust Company, 56/100 interest	$10,438.43
The Bank of California, N.A., 44/100 interest	8,201.62

"The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, Nov. 25, 1940.

"Ayes: Supervisors Brown, Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

"Approved, San Francisco, Nov. 27, 1940.

WARREN SHANNON
Acting Mayor."

Supervisors' Res. No. 1465 Aquatic Park Land Purchase:

"RESOLUTION NO. 1465
(Series of 1939)

"LAND PURCHASE - AQUATIC PARK, PARCEL 3

"RESOLVED, pursuant to Resolution No. 106, Series of 1939, adopted by this Board on February 20, 1939, and in accordance with the recommendation of the Park Department that the City and County of San Francisco, a municipal corporation, accept a deed from CALIFORNIA PACKING CORPORATION to Lot 3, Assessor's Block 9, San Francisco, required for Aquatic Park, and that the sum of $23,262.97 be paid for said land from Appropriation No. 012.600.05.

"The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, Nov. 25, 1940.

"Ayes: Supervisors Brown, Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

" I hereby certify the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

"Approved, San Francisco,
Nov. 27, 1940.

WARREN SHANNON,
Acting Mayor."

Supervisors' Res. No. 1475 Lafayette Park Land Purchase:

"RESOLUTION NO. 1475
(Series of 1939)

"LAND PURCHASE--LAFAYETTE PARK, PARCEL 7

"RESOLVED, pursuant to Resolution No. 1917, adopted by this Board on May 6, 1935, and in accordance with the recommendation of the Park Department that the City and County of San Francisco, a municipal corporation, accept a deed from Coast Bay Company, or the legal owner, to the following described portion of Assessor's Block 618, San Francisco, required for Lafayette Park, and that the sum of $20,000.00 be paid for said land from Appropriation No. 012.600.02.

"COMMENCING at a point which is perpendicularly distant 165 feet westerly from the westerly line of Gough Street and perpendicularly distant 127 feet 8-1/4 inches southerly from the southerly line of Washington Street; running thence southerly parallel with the westerly line of Gough Street 106 feet 4-7/8 inches; thence at a right angle westerly 82 feet 6 inches; thence at a right angle northerly 106 feet 4-7/8 inches; thence at a right angle easterly 82 feet 6 inches to the point of commencement.

"The City Attorney shall examine and approve the title to said property.

"Adopted--Board of Supervisors, San Francisco, Nov. 25, 1940.

"Ayes: Supervisors Brown, Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

"I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY
Clerk

"Approved, San Francisco, Nov. 27, 1940.

WARREN SHANNON,
Acting Mayor."

McLaren Park Land Purchase:

Upon request of the Director of Property, in accordance with his letter of December 10, 1940, the Board then approved the purchase of five parcels of land valued at $8,000.00, to be paid from the McLaren Park Land Purchase Appropriation.

The following resolution of the Board of Supervisors was ordered incorporated into the minute record:

"RESOLUTION NO._____
(Series of 1939)

"LAND PURCHASE - McLAREN PARK

"RESOLVED, That public interest and necessity require the acquisition by the City and County of San Francisco, a municipal corporation, of the following described parcels of real property situated in the City and County of San Francisco, State of California:

"PARCEL 1:

BEGINNING at the point of intersection of the southeasterly line of Woolsey Street and the southwesterly line of Buell Street, formerly Grant Street; and running thence southwesterly along the said southeasterly line of Woolsey Street 240 feet to the northeasterly line of Saratoga Street; thence at a right angle southeasterly along said northeasterly line of Saratoga Street 200 feet; thence at a right angle northeasterly 240 feet to the southwesterly line of Buell Street; thence at a right angle northwesterly along the said southwesterly line of Buell Street 200 feet to the point of beginning.

BEING Lots 1, 2, 7 and 8, Block 175, University Extension Homestead Association, as per map thereof filed January 30, 1871, in Book 2 "A" and "B", of Maps, page 139, in the office of the Recorder of the City and County of San Francisco, State of California.

"PARCEL 2:

BEGINNING at a point which is distant 389 feet northwesterly from the northwesterly line of Carter Street measured along a line drawn at a right angle thereto, and which is also distant 279 feet and 3 inches northeasterly from the northeasterly line of Visitacion Avenue, measured along a line drawn at a right angle thereto; thence northeasterly parallel with the northwesterly line of Carter Street 25 feet, more or less, to the southwesterly line of the land described in the deed dated October 8, 1902, executed by Elizabeth M. Clark, et al., in favor of Crocker

Estate Company, a corporation, recorded October 14, 1902, in 1979 D. 32; thence northwesterly along the southwesterly line of the land described in said deed 128 feet more or less, to the northwesterly line of Lot 88 of the Visitacion Valley Homestead Association, as shown on the map hereinafter referred to; thence southwesterly along the northwesterly line of said Lot 88, 29 feet and 5 inches, more or less, to a point which is distant thereon 279 feet and 3 inches northeasterly from the northeasterly line of Visitacion Avenue; thence southeasterly 128 feet to the point of beginning.

BEING a portion of Lot 88 of Visitacion Valley Homestead Association, as per map thereof filed September 22, 1868, in Book "C" and "D" of Maps, page 119, in the office of the Recorder of the City and County of San Francisco, State of California.

"PARCEL 3:

Lot No. 3, Block No. 40, Sunnyvale Homestead Association, as per map thereof filed April 22, 1873, in Book "C" and "D" of Maps, page 142, in the office of the Recorder of the City and County of San Francisco, State of California.

"PARCEL 4:

BEGINNING at a point on the southwesterly line of Buell Street, formerly Grant Street, distant thereon 300 feet southeasterly from the southeasterly line of Woolsey Street; and running thence southwesterly at a right angle to said southwesterly line of Buell Street 120 feet; thence at a right angle southeasterly 25 feet and 10 inches, more or less, to the northerly line of Parcel No. 2 of the property described in the decree entered in the action entitled San Francisco and Fresno Land Company, a corporation, vs. All Persons, etc., under Special Superior Court Case No. 17477; thence northeasterly along the northerly line of said Parcel 2, 120 feet, more or less, to the southwesterly line of Buell Street; thence northwesterly along the said southwesterly line of Buell Street 26 feet and 3 inches more or less to the point of beginning.

BEING fractional Lot 4, in Block 175 of University Extension Homestead Association, as per map thereof filed January 30, 1871, in Book 2 "A" and "B" of Maps, page 139, in the office of the Recorder of the City and County of San Francisco, State of California.

"PARCEL 5:

BEGINNING at a point which is distant

389 feet northwesterly from the northwesterly line of Carter Street, measured along a line drawn at a right angle thereto, and which is also distant 100 feet northeasterly from the northeasterly line of Visitacion Avenue, measured along a line drawn at a right angle thereto; thence northeasterly parallel with the northwesterly line of Carter Street 25 feet; thence at a right angle northwesterly 100 feet; thence at a right angle southwesterly 25 feet; thence at a right angle southeasterly 100 feet to the point of beginning.

BEING portion of Lot 88 of Visitacion Valley Homestead Association, according to map thereof filed September 22, 1868, in Book "C" and "D" of Maps, page 119, in the office of the Recorder of the City and County of San Francisco, State of California.

" BE IT FURTHER RESOLVED, that said lands are suitable, adaptable, necessary and required for the public use of said City and County of San Francisco, to-wit: For the proposed McLaren Park. It is necessary that a fee simple title be taken for such use. The City Attorney is hereby authorized and directed to commence proceedings in Eminent Domain against the owners of said parcels of lands and any and all interests therein or claims thereto for the condemnation thereof for the public use of the City and County of San Francisco, as aforesaid."

Sightseeing Train Agreement:

Mr. Raymond D. Williamson next appeared before the Board and presented a copy of the proposed agreement between the Board and Steven A. Rice for a sightseeing train concession, approved as to form by City Attorney John J. O'Toole.

On motion of Commissioner Lermen, seconded by Commissioner Budde, the following resolution was adopted:

RESOLUTION NO. 373

RESOLVED unanimously by the Board of Park Commissioners that the agreement between this Board and S. A. Rice for a sightseeing train concession, approved as to form by City Attorney John J. O'Toole, be approved and that the secretary be authorized to execute said agreement in behalf of the Board of Park Commissioners.

The agreement was then ordered incorporated into the minutes:

"THIS AGREEMENT made in duplicate this 19th day of December, 1940, by THE PARK COMMISSIONERS of the City and County of San Francisco, State of California, herein called the Commission, party of the first part, and S. A. RICE, of the City and County of San Francisco, herein called the Applicant, party of the second part; that

" I

WHEREAS the applicant has heretofore made application to the Park Commission of the City and County of San Francisco, State of California, for a concession, namely, the exclusive operation of so-called sightseeing Trains within Golden Gate Park, along the Ocean Beach Esplanade, and such other places as come within and under the jurisdiction of the Park Commission, for a period of three (3) years, commencing on or about the 19th day of December, 1940, and ending on or about the 18th day of December, 1943, with an option for an extension of this agreement for a further period of two (2) years and for such other extension thereafter as may, by resolution of the Park Commission be granted; and

" II

WHEREAS this application is made subject to the terms, conditions, covenants and other provisions hereinafter set forth, and applicant hereby agrees to be bound and governed by and to observe and comply with all the terms, conditions, covenants and other provisions of this application; and

" III

WHEREAS the nature of the concession applied for is the transportation of persons for a fee over certain routes under the jurisdiction of the Park Commission during the periods designated, for which the applicant agrees to furnish, equip, maintain, operate and conduct certain special transportation equipment and facilities for the operation of said concession; and

" WHEREAS Route One will start adjacent to Waller and Stanyan Streets and continue thence in a westerly direction along the South Drive; then turning to the right into the Drive that runs between the Bowling Greens; thence into the Middle Drive and on into the South Drive continuing on out, passing the Golden Gate Park Stadium and Polo Field on to the Ocean Beach Esplanade; thence northerly along the Esplanade to the Beach Chalet where a scheduled stop would be made. The return trip would proceed into the Main Drive and in a general easterly direction thereon to approximately Eighth Avenue, turning thence to the right and into the Music Concourse. On week days the trains would follow

the westerly driveway and on Sundays and holidays, in accord with the regulation of traffic, the easterly driveway around this Concourse, passing to the rear of the Band Stand and turning again to the right westerly into the South Drive and again along same in a westerly direction to the Driveway that enters from the South Drive and runs around Stow Lake; thence into the Main Drive and on same to Stanyan Street, turning there to the right to reach the point of commencement at Waller and Stanyan Streets;

" That Route Two will run north and south on the Beach Esplanade from the Fleishhacker Pool to about Balboa Street;

" That until such time as the South Drive hereinabove referred to, shall be reconditioned or reconstructed Applicant may withhold operation of this sightseeing train service on said Route One; however, such service may be immediately inaugurated on Route Two.

" That The Park Commission reserves the right to change the route or routes as may be required by the closing or changing of roads or in the interest of traffic regulations;

" That further routes may hereafter be established when agreed upon by the applicant and the Park Commission; and

" IV

WHEREAS the applicant agrees, should he deem it necessary, at his expense to furnish, construct, equip, maintain, operate, demolish and remove terminal or terminals and/or maintenance and storage facilities upon such places as shall be hereafter designated by the Park Commission, and same shall be constructed in accord with drawings, plans, specifications, engineering data, and other detailed information relative to these facilities, which shall be approved by the Park Commission; and that

" The following conditions will, in part, govern this concession in its operation:

" a) Applicant agrees to furnish and operate Sightseeing Trains over the agreed upon route or routes. Each train to consist of a tractor and at least one trailer - each trailer affording a seating capacity of approximately twenty persons. Applicant will furnish an adequate number of detachable tops for the above passenger cars to provide for patrons when weather conditions require their use.

" b) Trains will operate on an hourly schedule from ten (10) a.m. to five (5) p.m. week days and will operate on a half hour schedule Sundays during the same hours. The schedule of trains to be strictly adhered to and shall first have the approval of the Park Commission.

" c) No charge will be made by the Park Commission

for the use of routes and roads agreed upon for the use of this transportation system.

" d) Trains will at all times be operated in a careful manner and with due diligence for the safety of life and property.

" e) All employees while on duty will at all times be uniformed in a manner provided by applicant and approved by the Park Commission.

" f) Applicant shall, subject to the approval of the Park Commission, have the right to change the rights of way or re-route this transportation system.

" g) Applicant shall obtain public liability insurance coverage in an amount of $50/100,000 and property damage insurance in an amount of $5,000.00, workmen's compensation insurance, fire insurance and such other coverage as will hold the Park Commission, its members, agents, employees and the City and County of San Francisco free from liability for personal injuries and/or property damage. Said Insurance Policies, or copies thereof, together with certificate showing said policies are in full force and effect are to be deposited with the Park Commission within 36 hours before beginning the transportation of passengers for hire. Said insurer shall keep the Park Commission advised as to any change in the status of said coverage. No policy shall be cancelled without at least fifteen (15) days notice being given the Commission.

" h) Applicant agrees to pay to the Park Commission for the exclusive privilege of operating said Sightseeing Trains within the areas under the control of the Park Commission along the routes designated a sum equal to fifteen (15%) percent of the gross receipts of the applicant arising from the operation of said concession within the Park, including all fares and other receipts. The aforesaid percentage of such gross receipts shall be payable and collectible on the morning, following each day of operation of this concession or at such times as shall be determined by the Park Commission. Said percentage shall not be computed on any tax or taxes collected.

" i) The applicant shall install such bookkeeping and accounting methods as shall conform to the present system in use by the Park Commission, so that said records may be reasonably available for a strict and accurate computation of the gross receipts of said applicant.

" j) The persons using this train service shall be required to purchase serial numbered tickets, the issuance of which shall be subject to such rules and regulations as the Park Commission shall make.

" k) The applicant reserves unto himself the right to issue certain specified passes, but all such passes

shall be subject to the approval of the Park Commission and a list thereof filed with the Park Commission.

" l) No rides shall be permitted without the issuance of and collection of a ticket or a pass therefor. Passes shall be accounted for by the enumeration of the number of same as printed thereon.

" m) Applicant agrees to install a system for the recordation of the gross receipts of this concession such as shall give an accurate and detailed accounting thereof and shall remit to the Park Commission the amount due said Park Commission for each day on the morning of the following day or at such other time and manner as shall be more convenient for the checking and accounting of same by the Park Commission.

" n) Applicant agrees that all employees shall be neatly dressed and shall be courteous at all times and shall have on their uniforms a badge bearing a number, so that the general public may report to the applicant or to the Park Commission any discourtesy, discrepancy or other complaint relative to the operation and maintenance of this concession.

" o) Applicant agrees to pay all taxes, whether State, Federal or Municipal, which may be levied against or accrued hereunder.

" p) Applicant, at the outset, will fix a rate or fee of thirty-five cents per person for a round trip starting from and returning to either end of said route; a rate of fifteen cents per child for a round trip for children under fourteen years of age.

" Along the Esplanade the fare shall be ten cents per person each way.

" q) The aforesaid rates or fees shall be amenable to adjustment under such terms and conditions as shall be mutually agreed upon between the applicant and the Park Commission. Said adjustments shall be based upon experience and actual operation with consideration to the conduct of the business, labor costs and other factors; and

V

" WHEREAS as part of the consideration for the granting of said concession and for the use and operation of said concession by the applicant, the applicant agrees as follows:

" a) To pay promptly all persons, firms and corporations, including the Park Commission, all amounts due for gasoline, electricity, or water or other service, wages, materials, supplies, merchandise and commodities furnished to said applicant or used in connection with the

construction, installation, equipment or operation and maintenance of said concession and all damages to persons or property due to any negligence, wantonness, malice or other act or omission of the applicant or of any person in the employ or acting in the interest of or under the direction of the applicant.

" b) To bond all employees handling cash received from the conduct of said concession; and

" VI

WHEREAS should any disagreement or misunderstanding arise as to the terms and conditions of this agreement before either party shall resort to Court action same shall be submitted to arbitration as provided by section 1281 of the Code of Civil Procedure and for such purpose each party hereto shall thereupon select an arbitrator and notify the other party in writing thereof, and the other party shall within five days thereafter name an arbitrator and said two arbitrators shall select a third. All controversies impossible of amicable adjustment shall be submitted to said arbitrators; and

" VII

WHEREAS if any section, subsection, sentence, clause or phrase of this agreement is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this agreement. The Park Commission and the applicant hereby declare that it would have authorized this concession and they would have entered into this agreement and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid; and

" VIII

WHEREAS this agreement is made by the Park Commission upon the condition that the performance by the applicant shall be subject to delay by strikes, fires or acts of God; and

" IX

WHEREAS applicant may upon sixty days written notice terminate this agreement; and

" X

WHEREAS all communications in relation hereto may be sent to Raymond D. Williamson, Suite 801-07 Hearst Building, San Francisco, California, or to the Park Commission, Park Lodge, San Francisco, California; and

" XI

WHEREAS there shall be no advertising by signs, public address system, or other manner or method

allowed on these trains except as to this concession and as shall pertain to the service rendered by and in conjunction with this and the other concessions under the supervision of the Park Commission or as may hereafter be permitted by resolution of the Park Commission; and

"

XII

WHEREAS the term for which this concession is granted is conditional on the following: The Park Commission upon the written notice to the applicant at any meeting thereof at any time within six months and fifteen days after the beginning of the actual operation of trains and transportation of paying passengers on "Route One" through Golden Gate Park proper, under the provisions of this formal agreement between the Applicant and the Park Commission may by unanimous vote of all the members of the Commission cancel any and all rights under this concession and agreement. Failure to so act shall be a confirmation of the balance of the term created by the said agreement.

"

XIII

a) This concession is granted upon the express condition that the type of sightseeing equipment to be used in the operation of such concession shall consist of sightseeing trains as described in Paragraph IV (a) hereof together with such improvements and modernization thereof as shall be approved by the Park Commission.

" b) Nothing in this grant of a concession to the applicant nor any reference to any exclusive or other privilege for the operation of sightseeing trains contained in this agreement nor in any resolution of the Park Commission granting the same shall operate as or constitute a prohibition against the granting of permission by the Park Commission as is now permitted to those certain sightseeing busses that make up sightseeing tours at downtown hotels and other central points, and which include in said tour a ride through Golden Gate Park, the Esplanade or other points or area under the control of the Park Commission.

"

XIV

WHEREAS no sales or offering for sale of any cards, souvenirs or merchandise shall be allowed on said trains without special permission therefor having first been obtained by resolution of the Park Commission; and

"

XV

A one half interest in this concession, and all of the rights, privileges and obligations of S.A.Rice hereunder may be assigned by said S. A. Rice to Raymond D. Williamson. Except as herein above provided, this agreement shall not, nor shall any of the rights or privileges granted by it, be assignable by the applicant

or said Raymond D. Williamson, directly or indirectly, without the consent of the Park Commission, nor shall the same be assignable by operation of law or otherwise, and should the applicant or said Raymond D. Williamson, make any attempt to assign this agreement, or any right thereunder, the Park Commission may cancel this agreement, and all rights of the applicant and/or said Raymond D. Williamson shall, at the option of the Park Commission, cease and determine. Should the applicant and/or said Raymond D. Williamson make any assignment for the benefit of creditors, or be declared a bankrupt, either by voluntary or involuntary proceedings, in no event shall any right or privilege existing under this agreement pass to any assignee for the benefit of creditors, or to the referee or assignee in bankruptcy, or become a part of the estate of said bankrupt, and in the event of any assignment for the benefit of creditors or the bankruptcy of said applicant and/or said Raymond D. Williamson, the Park Commission may cancel said agreement and all rights thereunder.

" XVI

WHEREAS this application is to become a binding contract with the applicant when signed by the applicant and approved by resolution passed and entered upon the minutes by the Park Commission;

" NOW THEREFORE in consideration of the foregoing the Park Commissioners of the City and County of San Francisco in regular meeting assembled, by resolution duly made and carried and entered upon the minutes thereof this 19th day of December, 1940, do hereby grant the foregoing concession subject to all of the terms and conditions as heretofore set forth to said applicant, S. A. Rice, and said S. A. Rice by his signature hereto does hereby accept said concession subject to all of the terms and conditions as heretofore set forth and his failure to observe the same shall be cause for the termination of this agreement.

" PARK COMMISSIONERS
of the City and County of San Francisco
(Sgd) By JERRY LINARES
Secretary
Party of the First Part

(Sgd) S. A. RICE
Party of the Second Part

"Approved
December 18,1940

Jno. J. O'Toole (Sgd)
John J. O'Toole
City Attorney. "

Union Square Garage Test Borings :

There next appeared before the Board Mr. Frank Y. McLaughlin, President of the Union Square Garage Corporation, requesting permission from the Board to make some test borings on Union Square. After a brief discussion the Secretary was ordered to secure an opinion from the City Attorney as to the Board's right to grant this request.

Exposition Preservation League re annual Christmas Festival at Palace of Fine Arts :

There was next presented a communication from The Exposition Preservation League requesting permission to conduct their annual Christmas Festival at the Palace of Fine Arts. On a motion made by Commissioner Lermen this request was granted.

Huddart Taxes :

A communication from Supervisor Uhl relative to Huddart Park taxes was ordered held in abeyance until a later meeting.

Facing buildings at Aquatic Park:

A communication from Dodge Riedy relative to preparing plans and specifications and cost of construction of facing buildings at Aquatic Park and the cost to perform the work was next discussed. It was the unanimous opinion of the Board that Mr. Riedy's letter was not satisfactory, and requested Assistant City Engineer, Clyde Healy, to have City Architect, Dodge Riedy, send another communication for the next meeting of the Board.

Furuseth Monument and "Goddess of the Forest":

A communication from the Art Commission approving the Andrew Furuseth monument and the "Goddess of the Forest" monument was read and ordered filed.

Replacing of bronze plates on Verdi monument :

The request of Ettore Patrizi, editor of the L'Italia, to replace two bronze plates on the Verdi monument was denied due to lack of funds, and First Assistant Superintendent Julius Girod was directed to so inform him.

Supervision in certain Parks and Squares :

Several communications from the Parents-Teachers Association, Second District, requesting supervision in certain parks and squares were ordered held in abeyance until the first of the year.

Planting of lawn between curb and sidewalk on 36th Avenue :

The request from the Parkside District Improvement Club to plant grass on 36th Avenue between the curb and the sidewalk was next presented. First Assistant Superintendent Julius L. Girod informed the Board that the Work Projects Administration was putting in the grass under the direction of Assistant City Engineer, Clyde Healy.

Old Iron Gate - Sutro Tower :

The request of Harry W. Nilsen for an old iron gate in the old Sutro Tower was denied as the Board has no legal right to grant the request.

Voting Proxy- Bank of Cal.:

The Board next authorized the Secretary to sign a voting proxy for the regular annual meeting of the shareholders of the Bank of California, National Association; stock of the Bank being held in the Strybing Bequest.

Removal of sign re commercial vehicles - Fulton St. entrance to Park Presidio By-Pass:

A communication from the Park Presidio Improvement association requesting removal of the sign prohibiting commercial vehicles at Fulton Street entrance to Park Presidio By-Pass was next presented. On the advice of First Assistant Superintendent Julius L. Girod that there was an existing Park ordinance prohibiting using this driveway, the Board denied the request.

Use of portion of Civic Center or Palace of Fine Arts for Amer. Road Bldrs. Assn. Convention in 1942:

The Board next considered the request of the San Francisco Convention and Tourist Bureau for the use of a portion of Civic Center or the Palace of Fine Arts for the American Road Builders Association Convention in 1942. The Board did not favor the use of said property for this purpose and instructed the Secretary to so advise the Bureau.

Lighting system in Log Cabin:

There next appeared before the Board representatives from the Association of Pioneer Women of California requesting the Board to provide lighting facilities in the Pioneer Log Cabin. After a brief discussion the matter was referred to First Assistant Superintendent Julius L. Girod for a report.

Restoration of historic Point Lobos Cross at Sutro Heights:

A communication from the Old San Francisco Historical Committee requesting restoration of the historic Point Lobos Cross in the vicinity of Sutro Heights was next presented, and it was the concensus of opinion that the matter be held in abeyance pending further consideration of a suitable location by the Board.

City Attorney's Opinion re Mrs. C. L. Harris' Lease:

The Board next ordered the following opinion incorporated into the minutes:

" OPINION

I direct your attention to the language contained in Section 41 of the Charter, which reads as follows:

" 'The commissioners shall not lease any part of the lands under its control, etc.'

" In view of this language you are advised that your Board cannot enter into the proposed lease. I, therefore, return to you the proposed lease, as you have no right to enter into it.

" However, I understand that the proposed lessee caters to the needs of a large number of persons who utilize this particular portion of the park. I can see no reason why your Board could not grant a concession to the lady to continue to serve those who utilize this particular portion of the park.

" See: WILLIAMS v. NEW YORK, 222 N.Y. Supp. 163, where the court held:

" 'Refreshment stands in a park serve a park purpose.'

" The commissioners could grant concession for operation of stand for sale of soft drinks and sandwiches within park.

" PEOPLE ex rel CARROLL v. VILLAGE OF LAKEWOOD, (Ill.) 13 N.E. (2d) 275.

" Therefore, you are advised that if your Board should deem it advisable to maintain a service which would serve those who utilize the particular portion of the park, it may do so, or it may grant this concession to any other person.

" I would advise, however, that should any concession be granted, that your Board retain full control as to how the concession should be operated, and while the specification of time during which it should be operated should be limited, the concession should be granted to the applicant on his or her personal ability to operate it and, therefore, should not be transferable without consent of your Board.

" Respectfully submitted,

" JNO. J. O'TOOLE

" City Attorney. "

The Secretary then called to the attention of the Board the fact that Mrs. C. L. Harris no longer operated a concession stand and that the records show that there seemed to be some question as to the legal ownership of the house now occupied by Mrs. C. L. Harris at Point Lobos. First Assistant Superintendent Julius Girod also called to the attention of the Board the dangerous condition of the ground surrounding Mrs. C. L. Harris' house. It was the unanimous opinion of the Board that

Superintendent of Construction, Bart Rolph, make an immediate survey and report, and that the Secretary present the entire matter to the City Attorney with the request that he advise the Board accordingly.

Proposed Sea Scout Building at Gas House Cove:

First Assistant Superintendent Julius Girod made a brief report relative to the landscaping of Gas House Cove and requested the matter be continued until the next meeting.

Lease of Palace of Fine Arts Building by U.S.Government:

The Board next considered the communication from Colonel R. Skelton of the Medical Department of the United States Army requesting the use of the Palace of Fine Arts for the storage of medical supplies for a period of six months or a year. The Board instructed the Secretary to advise Colonel Skelton of their willingness to allow the United States Government the use of the Palace of Fine Arts for storage purposes subject, however, to the approval of the City Attorney and whatever other authorities might be necessary.

Cement bench at Coit Tower:

First Assistant Superintendent Julius Girod also reported on the cost of constructing a concrete bench at Coit Tower, and the Board approved the same.

Coins from Strybing Bequest:

Relative to the sale of the coins from the assets of the Helene Strybing Bequest, the Secretary then requested the Commissioners to authorize the Purchaser of Supplies to dispose of the same to the highest bidder. The Board then directed the Secretary to authorize the Purchaser of Supplies to dispose of

the same to the highest bidder.

Furniture at Aquatic Park: The Board next approved the order for ten (10) chairs for Aquatic Park and directed delivery of the same, subject to the selection of color by Commissioner Sandy.

Concession at Kezar Stadium: The Secretary then read a communication from John H. Swanson offering to take over the concession booth at Kezar Pavilion during the 1941 Basketball Season. The matter was referred to Messrs. Joseph R. Hickey and Charles Elkus for report.

"Annie Laurie" Memorial Bench: A communication from the North Beach Promotion Association relative to the location of the "Annie Laurie" memorial bench was then read by the Secretary. After a brief discussion the matter was referred to Commissioner John J. Lermen with full power to act.

"View Machines" at Coit Tower: Mr. Noel Hooey, representing the Tower Optical Company, next appeared before the Board requesting permission to install "view machines" at Coit Tower, and offering to pay a percentage of the gross receipts. President Herbert Fleishhacker advised Mr. Hooey to submit a letter to the Board giving full details of the operation of these machines and the amount of money his company would guarantee the Board for each machine.

Resolution No. 371 - Transfers and Allotments:

RESOLUTION NO. 371

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to make the following Transfers and Allotments:

ALLOTMENTS

Appropriation:

012.600.01	Fleishhacker Playfield Land	$ 9,029.47
012.600.03	McLaren Park Land	9,900.00
012.600.04	Yacht Harbor Land	40.00

TRANSFERS

From:	To:	
012.200.01 (Contractual Services-Gen'l Div.	012.900.01 (Services Other Depts.-Gen'l Div.	$ 700.00

Resolution No. 372 - Work Orders:

RESOLUTION NO. 372

RESOLVED unanimously by the Board of Park Commissioners that for the proper conduct of Park business the Controller be requested to approve the following Work Orders:

	Vendor	Description	
#43	S.F. Water Dept.	Pipe & Fittings for John McLaren Rhododendron & Azalea Dell	536.77
#44	Purchaser of Supplies	Services of Emmett Fitzgerald - Buyer. Jan.Feb.& March 1941	547.31
#45	Bureau of Public Buildings	Misc.Elec.Work-Gen'l Div.Jan.Feb.& Mar.1941	200.00
#46	Purchaser of Supplies,Shop #1	Blacksmithing Services Automotive Repairs,etc. Jan.Feb.& March 1941.	800.00
#47	Purchaser of Supplies,Shop #2	Misc. Repairs to Equipment.Jan.Feb.& March 1941	700.00
#48	Bur.of Engineer.	Blue printing Services Jan.Feb. & March 1941	50.00
#49	Bur.of Public Bldgs.	Misc.Elec.Work,Comm. Units.Jan.Feb.& Mar.1941	60.00
#50	Bur. of Public Bldgs.	Misc.Elec.Work, Recreat. Units.Jan.Feb.& Mar.1941	150.00
#51	Retirement System	Reimbursement for Hosp. and Medical Services. Jan. Feb. & March,1941	400.00

	Vendor	Description	
#52	Purch. of Supp. Shop #1	Blacksmithing Services etc. Commissary Units Jan. Feb. & March, 1941.	$240.00
#53	Bureau of Public Buildings	Misc. Electrical Work, additional for Oct. Nov. & Dec. 1940.	100.00

Construction Report — The following reports, copies of which had been presented to each Commissioner, were then ordered filed:

Construction Report, submitted by Construction Superintendent Bart Rolph, for work during November and work programmed for December, 1940.

Profit & Loss Statement: Profit and Loss Statement for five months ending November 30, 1940.

Statement of Appropriations: Statement of Appropriations November 30, 1940

Meeting Adjourned: There being no further business to come before the Board, the meeting adjourned at 5:15 P.M.

G. J. Linares
Secretary